

REGULAR COUNCIL MEETING

A G E N D A

TOWN OF CHINCOTEAGUE

August 6, 2007 - 7:30 P.M. - Council Chambers - Town Hall

CALL TO ORDER

INVOCATION BY COUNCILMAN ROSS

PLEDGE OF ALLEGIANCE

OPEN FORUM / PUBLIC PARTICIPATION

AGENDA ADDITIONS/DELETIONS AND ADOPTION:

1. Consider Adoption of the Minutes
 - A) Special Council/Planning Com Meeting of June 28, 2007 (Page 2 of 86)
 - B) Regular Council Meeting of July 6, 2007 (Page 5 of 86)
2. Safety & Transportation Committee Report of July 2, 2007 (Mayor Tarr) (Page 11 of 86)
The following action by the Committee occurred and will need to be acted upon:
 - Proposed lighting for the Chincoteague new Draw Bridge, starting from Maddox Blvd to where the old section of the causeway ends, including the spur to Marsh Island.
3. Cemetery Committee Report of July 24, 2007 (Councilman Howard) (Page 26 of 86)
4. Bid Award for the Harbor Office & Restrooms (Page 27 of 86)
5. Setting the Date for a Public Hearing for a Possible Zoning Changes to Condominiums, Townhouses, and Multi-family Dwellings in C-1, and C-2 Districts (Page 28 of 86)
6. House Demolition Request, Regarding an Unsafe Structure (Page 31 of 86)
7. Setting the Date for a Public Hearing for a Possible Zoning Change to the Road Subdivision Ordinance (Page 42 of 86)
8. Setting the Date for a Public Hearing for a Conditional Use Permit application – Ms Christine Schreiber (Page 62 of 86)
9. Establishment of a Comprehensive Plan, Focus Group (Jarred Anderson) (Page 72 of 86)
10. Setting of a Public Hearing for a Lot Line Vacation (for Mr. Edward L. Weilbacher) (Page 73 of 86)
11. Mayor & Council Announcements or Comments
(Note: Roberts Rules do not allow for discussion under comment period)

ADJOURN:

MINUTES OF THE JUNE 28, 2007
CHINCOTEAGUE TOWN COUNCIL SPECIAL MEETING
Joint Workshop with Planning Commission

Council Members Present:

John H. Tarr, Mayor
Anita Speidel, Vice Mayor
Nancy B. Conklin, Councilwoman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman*
E. David Ross, Councilman
Glenn B. Wolffe, Councilman

Planning Commissioners Present

Mr. Ray Rosenberger
Mrs. Jane Wolffe
Mr. Chuck Ward
Mr. Tom Derrickson
Mr. Bob Behr
Mrs. Mollie Cherrix

*also a member of the Planning Commission

Call to Order

Mayor Tarr called the meeting to order at 7:30 p.m.

Invocation

Councilman Ross offered the invocation.

Pledge of Allegiance

Mayor Tarr led the Pledge of Allegiance.

Presentation by Redman and Johnston Associates

Mr. Peter Johnston of Redman and Johnston Associates started his presentation by saying that the most current draft of the Comprehensive Plan Update is the Town's Plan (meaning all citizens) it is not just the consultants plan, or staff's.

Mr. Johnston stated that early on in this process Redman and Johnston Associates felt support was more in-line with what was included in the first draft. During the public meeting in February many issues and concerns were raised about that first draft. Since that time the consultants met with staff and members of the planning commission in Chincoteague to discuss how to move forward following the public hearing. The consultants also invited certain members of staff to visit their office and have a small work session to help move things along.

Mr. Johnston feels there is a continuum of public opinion on the island. On one end of the continuum there is support of the status quo, minimal regulations, and minimal government intervention. On the other end of the continuum are those that feel the town needs to take a more proactive approach in land use decisions, and that government should give more guidance to regulations and standards for the various land use districts.

From the public meeting in February there are several points that were deemed significant in the minds of the consultants.

- The town does not break down into nice neat land use districts naturally.
- There were several comments made on Condominiums, Townhouses, and Multi-family dwellings and where they should be placed.
- There were many comments on aesthetics, and how the government should not be involved in that process.
- Many comments on public sewerage. If central sewerage were to be implemented it could have a significant impact on the face of this community. In addition there were many in attendance that were opposed to implementing central sewerage on Chincoteague.

Mr. Johnston recommends that the Planning Commission and staff look closely at the goals and objectives of the current Comprehensive Plan.

Moving on in the presentation Mr. Johnston went on to explain each of the “Land Use Area Concepts” or what would be identified as potential zoning districts in the zoning ordinance. He stated that the new concepts followed fairly closely with our current zoning ordinance.

The proposed “Single Family Residential” land use area concept (LUAC) followed closely to the town’s current R-1 district. The proposed “One and two-family residential” LUAC followed closely our current R-2 district. The proposed “Mixed Residential” LUAC followed closely our current R-3 district. There is also a proposed “Resort Residential” LUAC which would allow Condos, Townhouses, and Multi-family dwellings as uses permitted by right. Mr. Johnston stated that the primary difference between the proposed residential LUAC is how Condos, Townhouses, and Multi-family dwellings are permitted within each district.

Mr. Johnston then discussed the Commercial LUAC’s beginning with “Neighborhood Commercial” which spatially follows the current C-1 district, especially along Eastside Drive. The proposed “Town Center” LUAC was taken primarily from the current C-2 district but under the new draft the permitted uses in the “Town Center” would be much more limited. The proposed “Commercial Corridor” LUAC comes from the current C-1 district, and focuses on the management of traffic. The Corridor LUAC is also considered the gateway since the new bridge is being built; as such this LUAC will cater more to the tourists. The proposed “Resort Commercial” is new, meaning it does not necessarily correlate to any current zoning district. This area would be an area where development of retail and resort amenities would be encouraged.

The last proposed LUAC is “Conservation” which is most closely related to the current Agricultural zoning district. Mr. Johnston stated that there are many permitted uses in this draft for Conservation but in reality the land within this LUAC is undevelopable. He then asked the Council and Planning Commission to read the list of permitted uses and eliminate the uses that do not fit into this LUAC.

For each LUAC there is a list of primary issues, land use objectives, permitted uses, uses by special exception, and conditional uses.

Questions and Comment from Planning Commission and Council

Councilman Wolffe stated for clarification that within the Town of Chincoteague currently a use is either permitted by right, specifically enumerated as a special exception, or is permitted through a conditional use permitting process. Councilman Wolffe stated that the new draft is outlining a specific list of uses that are permitted only under a conditional use. That would mean that there would be uses that would not be allowed in any district under any circumstance other than a zoning amendment.

As a response to Councilman Wolffe's comment, Mr. Johnston recommends that the town identify what is going to be allowed by right, special exception, and conditional use. A citizen should be aware what uses are permitted and how they might go about getting those uses permitted.

Councilman Wolffe also stated that he is a firm believer that a jurisdiction should zone with zoning and not rely on the fact that the town does not have central sewerage as a mechanism for zoning.

Mr. Johnston stated that by creating a historic district and a historic district commission the town can create an area where there are some guidelines or standards especially in the Town Center and Corridor Commercial. Additionally, aesthetics do not have to be through regulations and guidelines; they can also be through civic pride and a designated recognition program by the Mayor and Town Council who give an award to properties that best exude the character of the town.

Councilwoman Conklin has concerns about the drink machines downtown because they are unsightly and they are very close if not on the public right-of-way.

The consultant Mr. Johnston would like Council, Planning Commission, and Staff to use this presentation as a discussion piece and talk to citizens. He would also like to come back and have groups such as the Chamber of Commerce, religious groups, and other local organizations sit down and discuss this draft and any issues and concerns they have. Focus group participants will also be identified by staff, council, and planning commission.

Mr. Anderson stated that the main thing is to get people involved and that citizens know what they want better than he knows what they want.

Mayor Tarr asked for a motion to adjourn Council. There was a motion and second, unanimously approved.

Chairman Rosenberger asked for a motion to adjourn the Planning Commission. There was a motion and a second, unanimously approved.

**MINUTES OF THE JULY 2, 2007
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

John H. Tarr, Mayor
Anita Speidel, Vice Mayor
Nancy B. Conklin, Councilwoman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman
E. David Ross, Councilman
Glenn B. Wolfe, Councilman

Call to Order

Mayor Tarr called the meeting to order at 7:34 p.m.

Invocation

Councilman Howard offered the invocation.

Pledge of Allegiance

Mayor Tarr led the Pledge of Allegiance.

Open Forum/Public Participation.

- Susan Crystal of VIP Island Rentals voiced concerns about the implementation of the transient occupancy tax increase. She stated that they collect full payment 30 days in advance and that the vacationers will be upset with them if they are asked to pay an additional amount.
- Jerry Prewitt of 1848 Island Manor House, bed and breakfast, voiced concerns about how their guests use credit cards to confirm reservations and that they give written quotes on the cost. He did not have a problem with the increased tax, but with the timing of it.
- Tom Derrickson of Hampton Inn Suites expressed concerns with Pony Penning week. They have a contract with customers months in advance, for room reservations during that week and the amount of the room including tax are stated in the contract. He mentioned that this would be the only impact to Hampton Inn, but did not have any concerns with the increase of the one percent transient occupancy tax.

Agenda Additions/Deletions and Adoption

Councilwoman Conklin motioned, seconded by Councilman Howard, to adopt the agenda as presented. The motion was unanimously approved.

1. Approval of the Minutes of the June 4 and 21, 2007 Council Meetings.

Councilman Howard motioned, seconded by Councilwoman Richardson, to approve the minutes of June 4 and 21, 2007, as presented. The motion was unanimously approved.

2. Harbor Committee Report of June 13, 2007.

Councilman Howard presented the following report:

a. Harbor Master Update (Wayne Merritt).

- Harbor Master Merritt reported that subleasing has decreased. The largest complaint is due to the minimum fish size regulations. Councilman Howard stated that Council thought the fishing regulations may have a big effect on the Island's economy which seems to be what is happening. Harbor Master Merritt mentioned that the flounder size regulations are 14½ inches in North Carolina and 15½ inches in Maryland.
- Harbor Master Merritt reported that the Coast Guard will be dredging out their facilities (basin) on August 15th and the Town has agreed to allow the Coast guard to dump the spoils at the spoil site. The Army Corps of Engineers has been performing some work to get the berm up to standards. He added that the Harbor will not be dredged this year.
- Harbor Master Merritt expressed concern with the floating dock, one side of the dock is for handicapped people and the other side is for loading and unloading. He explained that boats with non-handicapped passengers are tying up to the handicapped side of the floating dock. Harbor Master Merritt added that there are more elderly citizens that need the floating dock in order to board boats. He requested that the Committee consider installing another floating dock to be used strictly for loading and unloading people. This will keep the existing floating dock for its intended purpose, handicapped patrons. The Committee agreed to research the matter and report at their next meeting.

b. Restroom Update.

Harbor Master Merritt stated that the Harbor restrooms and the Town showers have been advertised twice. Bids are due for the second advertisement on June 19th.

c. Committee Member Comments.

Councilman Ross asked how to obtain a slip when one becomes available. Harbor Master Merritt explained the wait list and the priorities of the waitlist as stated in the ordinance.

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to approve the Harbor Report of June 13, 2007, as presented. The motion was unanimously approved.

3. THE PUBLIC WORKS COMMITTEE REPORT OF JUNE 18, 2007.

Councilman Howard presented the following report:

a. May 2007 Report.

Public Works Director Cosby answered questions regarding mosquito aerial spraying and the aquifer test. The aquifer test will need to be conducted again in the winter.

b. Roads, Drainage and Sidewalk Projects.

Public Works Director Cosby reported that the Mumford Street paving project has been completed and the Taylor Street paving project is scheduled to begin the week of June 18th. The Committee discussed plan for Hallie Whealton Smith Drive. Public Works Director Cosby agreed to work on the plans for this project in the fall.

c. Deer Depopulation Program Summary.

The deer depopulation report was discussed and overall the Committee was pleased with the program, but asked that the program start on time next year. Public Works Director Cosby suggested that we consider reducing the locations for next year.

d. Solid Waste Center Operations.

The operating procedures for the Solid Waste Center were reviewed with the addition of the compactor. The Committee requested Public Works Director Cosby research possible extension of the hours to 6 p.m.

d. Captain's Cove Groundwater Permit Application.

Public Works Director Cosby asked for questions on the Captain's Cove permit application. Mayor Tarr asked about their required aquifer test. Public Works Director Cosby agreed to obtain a copy of their test.

e. Committee Member Comments – Councilman Wolffe cancelled the July meeting.

Councilwoman Conklin motioned, seconded by Vice Mayor Speidel to approve the Public Works Report of June 13, 2007, as presented. The motion was unanimously approved.

4. ACCOMACK COUNTY BOARD OF SUPERVISORS' UPDATE

The following items were presented by the Islands District Supervisor, the Honorable Wanda Thornton:

- a. Supervisor Thornton announced a dredging workshop has been scheduled for 9 am, July 10, 2007, Congresswoman Drake will be attending. The meeting's focus will be dredging and funding of shallow passage-ways.
- b. Supervisor Thornton stated she was trying to arrange a workshop on August 13, 2007 with Mr. Don Alexander, who is a director of all onsite wastewater company. The workshop focus would be the new groundwater regulations.
- c. Supervisor Thornton has spoken with Mr. Brit MacMillan, a groundwater consultant with Malcolm Pirnie about conducting a workshop on a GIS groundwater.
- d. Supervisor Thornton is a member of the Eastern Shore Transportation Technical Advisory Committee. The Committee is currently working on a crash analysis of Route 13. The analysis is alarming and improvements to Route 13 are critical.
- e. The fishing regulations have seriously hurt the fishing industry Supervisor Thornton feels it is extremely important that we fight the fishing regulations next year.
- f. Mayor Tarr, Supervisor Thornton and local hunters met with the U.S. Fish and Wildlife concerning hunting on federal land. In the past, permission has been granted for a hunter to use a portion of the land and erect a blind. Now the government wants to allow public hunting without permit and any blind used would have to be erected and taken down daily. This would be detrimental to sport hunting as well as those that make their living from guiding hunting parties.
- g. A economics study was conducted on the Eastern Shore and showed 6.9% growth in the state with only 2.1% in Accomack County. Accomack is the 20th poorest County. The state's median household income is \$51,000 and Accomack County's is \$31,000.
- h. A DEQ study on ground surface water affected by concentrated animal feeding operations. A large concentration of animals or the spreading of animal waste as fertilizer creates runoff to the tributaries, which is significant in proportion.
- i. The public safety system strategic plan for fire and emergency medical protection includes Chincoteague in with the County. If you have not read the plan, please read the strategic plan section.

5. Waste Water Report by Mr. David Rigby, Waste Water Management, Inc.

Mr. David Rigby mentioned the following items in his presentation:

a. Issues Associated with this Opportunity - Environmental Issues, do no new harm and improve the existing situation. Social Issues, people want to protect their way of life, and enhance commercial viability. Personal Impact, what is it going to cost me? Will I benefit? Will my life be better?

b. Collection System Alternatives – i. Gravity Sewer to Main Pump Stations, **pros** - non-mechanical in nature and expansion capacity is not restricted, **cons** - results in deep excavation, interference with water and storm sewer lines and cost of repairing the streets may be the single most costly item. ii. Low Pressure Pumping, **pros** - shallow excavation throughout, easily extended into un-sewered areas, connection locations can be flexible, less disturbance of streets, and vertical interference of water and storm sewers not a problems, **cons** - pumps require electricity from homeowners and perpetual repair and replacement, many easement required to avoid streets. iii. Vacuum Sewers to Main Pump Stations, **pros** - shallow excavation throughout, easily extended into un-sewered areas, connection locations can be flexible, less disturbance of streets and vertical interference of water and storm sewers not a problem, **cons** - installation techniques fairly sophisticated, vacuum valves require perpetual repair and replacement, and vacuum station and pump station necessary.

c. Centralize Treatment System - Island is very flat, pumping will be required regardless of plant location, Town owns property, and WWTP can be quite discrete

d. Eight Disposal Alternatives – i. Connect to NASA for Treatment And Disposal, **pros** - NASA has limited excess capacity and NASA has a VPDES permit, **cons** - NASA capacity is not permanent and decision will be made in DC, **opinion** - this is not a favorable option. ii. Apply to Peninsula using Spray or RIBS, **pros** - facility would be permitted by VDH and VPDES Permit not required, **cons** - requires a lot of pipe, lengthy investigation & permitting, will need to purchase land, 120 Days of storage required and intergovernmental coordination, **opinion** - this is not a favorable option. iii. Apply to Assateague Island using Spray or RIBS, **pros** - facility would be permitted by VDH, recharges shallow aquifer and maintains freshwater wetlands, **cons** - will need to get permission from the FEDS requires extensive biological monitoring, application ability NOT permanent, and additional supporting options must be available. **opinion** - This is not a proffered option. vi. REUSE Water for Irrigation/Secondary Uses, **pros** - irrigation uses most necessary during hot weather during period of high flow and reduces consumption of potable water, **cons** - VADEQ reuse regulations are not yet formalized and might require cold weather storage, **opinion** - this alternative may work for part of the year along with other options. v. Treat and Dispose 3-Miles off Shore, **pros** - DEQ and VDH are in Favor of this option, **cons** - extremely costly option to construct, O&M expensive and subject to wave and storm damage, **opinion** - this is not a feasible options. vi. Treat and Discharge to Fowling Gut, **pros** - Fowling Gut provides storage up to 36 million gallons of storage, **cons** - possible public perception issues, required VPDES permit, has limited capacity of approximately 1.0 MGD **opinion** - this is considered a favorable option, appears to be easiest permitting option, receiving capacity based on VDH 24 day retention time, 1,000,000 gallons per day may be possible depending on storm surge analysis, 200,000 gallons per day initial permitting for “tiered” approach would allow project to “get started” while deep well injection is studied. vii. Discharge to Chincoteague Bay, **pros** - very cost effective, **cons** - DEQ and VDH say ‘NO WAY!’ and public perception may be an issue, **opinion** - not acceptable. viii. Deep Well Injection, **pros** - DEQ favors this option if sewage is treated, reclaimed fresh water aquifer, deters salt water intrusion, permit issued by EPA, **cons** - requires extensive hydro geological studies and it may be necessary to

go quite deep, **opinion** - we believe this is an attractive opportunity and should be further analyzed

e. Measured Steps – i. Collection - divide town into many small projects and development based on need and desire, commercial areas first, construct only during off season, connect NASA to the island system for continuous flow of sewage and cash. ii. Treatment - modular plant and build capacity as needed. iii. Disposal - Fowling Gut, Deep Well Injection or Reuse, **opinion** - pay as you go and address critical areas first.

f. How Will We Pay for the Construction? Some of the possibilities are cash, grants, loans, hotel surcharges, visitor fees, user charges, EZ PASS, boat fees, hook up fees (existing \$2,000), hook up fees (new \$12,000), real-estate assessments, public private partnership

g. How Will We Pay for Operations? Some of the possibilities are high monthly rate versus high water use rates, hotel surcharges, visitor fees, boat fees, NASA connection

h. Community Outreach - Community Education & Outreach, Environmental Issues, current system isn't working, Social Issues, don't want Ocean City south, Enforce and rely on comprehensive plan, Personal Effect, and lastly what are the costs?

6. *Donation Request for the Youth Football League*

Councilwoman Conklin made a motion, seconded by Councilman Howard to donate two hundred fifty dollars to the youth football league. Councilman Wolffe mentioned that because the initial costs of the Youth football league were around nine thousand dollars he would like to increase the amount by an additional two hundred fifty dollars for a total of five hundred dollar donation. Councilman Wolffe then motioned to amend the original motion seconded by Councilman Howard, the motion was unanimously amended. The motion was unanimously approved on the original motion including the amendment.

7. *Transient Occupancy Increase Implementation*

Councilman Ross made a motion seconded by Councilman Howard that the lodging establishments honor their commitments to their customers with the 2 percent transient occupancy tax, 3 percent would pertain to any new customer or new reservation. Any lodging after July 31, 2007 will be required to be tax the full 3 percent with no exceptions. The portion granted to the Civic Center 17 percent should be adjusted within the guidelines of the Town Manager and the whole process contingent upon legal counsel review. The motion was unanimously approved.

8. *Mayor and Council Announcements or Comments.*

- Councilman Ross commented on the T-shirt factory at the entrance of Chincoteague has a T-Shirt that states "Surf Necked". He does not believe this is the message we want visitors to see in any store front and would like to see the T-shirt relocated in the store
- Councilwoman Conklin mentioned that the Chincoteague Beacon has mentioned twice now that we have raised the meals tax. She wants the Beacon to understand that this is not true, that meals tax will remain the same rate.

10. Closed Meeting in Accordance with Section 2.2-3711(A)(3) of the Code of Virginia for Discussion of Personnel Matters and Special Awards (Scholarship).

Councilman Howard motioned, seconded by Councilman Wolffe, to convene a closed meeting under Section 2.2-3711(A)(3) of the Code of Virginia to discuss land acquisition. The motion was unanimously approved.

Councilman Howard motioned, seconded by Councilwoman Conklin, to reconvene in regular session. The motion was unanimously approved.

Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to adopt a resolution of certification of the closed meeting.

WHEREAS, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711(A)(1) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

VOTE: Ayes- Conklin, Howard, Richardson, Ross, Speidel, Wolffe
Nays- None
Absent- None

Adjournment of Meeting

Mayor Tarr announced that the next meeting will be on August 6, 2007 at 7:30 pm. Councilwoman Richardson motioned, seconded by Councilwoman Conklin, to adjourn the meeting. The motion was unanimously approved.

Mayor

Town Manager

Safety & Transportation Committee Meeting
2 July 2007
MINUTES

Chairman Tarr called the meeting to order at 6:34 pm.

Present:	Hon. John H. Tarr, Chairman	Others Present:	Mr. Rob Ritter, Town Manager
	Hon. David Ross		Mr. Edward Lewis, Chief of Police
	Hon. Glenn Wolffe		Mr. Bryan Rush, Emerg. Svcs. Coord.
			Mr. Jack Van Dame, Trolley Manager

No one was present for the open forum segment.

Councilman Wolffe made the motion and seconded by Councilman Ross to adopt the agenda as presented with one addition, bike path safety. The motion was unanimously carried.

1. Emergency Management Report

A. Fireworks 2007 – Mr. Rush stated that we have just received conformation for the bus drivers. Little change with the bus route has occurred this year for the buses and the trolleys. We had a problem on Jester St. last year; to eliminate some confusion we have changed the routes slightly to accommodate the situation. Mr. Holland was okay to use the parking lot at the school, so we will use that parking lot. Public works will install two portable toilets at the school for the event. The Chamber has printed color copies of the hand out material for the various lodging agencies campgrounds which explained the bus and trolley routes for that evening.

B. Bridge Closure Policy – Mr. Rush stated that the Hon Wanda Thornton had gotten in touch with her on the issue of emergency type situations which may occur and that we should be prepared. She suggested a plan put together in writing (MOU) with the Coast Guard to have ambulance on the other side of the bridge for such emergencies.

C. Communications – Mr. Rush stated that all-hazards approach information document was mailed to citizens. The document was included with the annual mail out on the drinking water quality mail out. Mr. Rush also stated that the voice over testing with charter cable was tested on June 1, 2007. The system failed. Charter was notified and has since fixed the system. The system was tested again on June 19, 2007 and the system is now fully functional.

D. Reporting - The Local Capability Assessment Report (LCAR) for 2007 was sent to the Department of Emergency Management on June 15, 2007. This annual reporting tool is used to justify Grant requests for the state in order to meet the objectives of the assessment.

E. Training - A Citizens Emergency Response Team (CERT) flyer was put in the local newspapers to see if there would be enough citizen interest to hold a class on Chincoteague. Only two individuals expressed interest and they were employees. Bryan Rush stated he will be teaching a fully state funded Emergency Medical Technician (EMT) class at the Chincoteague Fire Station beginning August 12, 2007. Class will meet Sundays, Tuesdays and Thursdays until early January 2008.

F. EMS Staffing - Applications have been received. Interviews are scheduled for July 9th

G. Information (Fire / EMS Study by the County) - The Accomack County Board of Supervisors approved the monies for a Fire and EMS study for budget FY 07. The study has been completed and is now ready for viewing. The study can be viewed at www.acdps.net.

The study suggests the Town of Chincoteague to hand over their three EMS employees to the County Department of Public Safety, to better streamline the county. It also suggests that the county charge a fire/EMS tax for Chincoteague. This tax revenue would be placed in the county's funds. Also, the suggestion is for a countywide fire chief and that all companies turn their EMS billing money over to the county for services.

The Accomack County Fire Commission will hear a presentation from All Hands Consulting sometime in July. The Accomack County Board of Supervisors will hear a presentation from All Hands Consulting on August 6, 2007 about the suggestions.

H. Bike Path Safety – Mr. Rush stated that he was informed by Councilman Ross about the drain across the street along Deep Hole Road has a large drop-off and some type of barrier would suffice. The Mayor mentioned that Mr. Cosby is taking care of the situation. Councilman Ross made a comment that he would like to see a barrier similar to the barrier that the Assateague Park has along beach road near the pony pin.

2. Proposed lighting for the Chincoteague new Draw Bridge, starting from Maddox Blvd to where the old section of the causeway ends, including the spur to Marsh Island.

Mr. Ritter reported that on Tuesday June 12, 2007, American Bridge Company had a construction leadership meeting. He statement that the bridge would be safer if we had lighting on the new bridge. The bridge will be equipped with conduit and piers for the light poles. He understood that the engineer took out the lighting portion of the bridge due to cutting cost in order to have the bridge price come in close to budget. The lighting could be on every pier that they currently have on the project with light poles similar to the Robert Reed Park. He made the statement that we would be willing to take over the O & M of the lights, after the bridge has been turned over to VDOT or after the ribbon cutting ceremony.

Mr. Ritter also stated that he discussed this with the Police Chief and the EMS Director about being a safety issue and they agreed that we should have lighting on the Bridge.

The Committee all agreed that lighting is a safety issue. Mayor Tarr requested that when this goes before council that we have more information on the type of lights that we are requesting.

Councilman Wolffe made a motion seconded by Mayor Tarr to recommend to Council that we request VDOT to include in the Bridge project the proper street lighting from Maddox Blvd and Main to where the old section of the causeway ends and new begins, including the new spur to Marsh Island.” The motion was unanimous.

3. Committee Member Comments

- Mr. Rush thanked Mr. Jester for all of his efforts and help with the EOP.
- Mr. Jester recommended that local churches have teams that are trained to respond to a severe storm or emergency situation. He also recommended that the Town develop an Emergency Equipment budget for each department.

Adjournment

Councilman Ross made a motion and seconded by Councilman Wolffe, the motion was unanimous. The meeting was adjourned at 7:08 pm.

MEMORANDUM

THE TOWN OF CHINCOTEAGUE

TO: Mayor & Council

FROM: Robert G. Ritter Jr., Town Manager

DATE: August 1, 2007

SUBJECT: Proposed Bridge Lighting.

The Safety and Transportation Committee at its meeting of July 2, 2007 made a recommendation to the full Council to request bridge lighting from VDOT after the bids for the bridge came in under budget. The committee also requested additional information for Council on the type of lights originally in the specifications (see attached). The Granville series lights are what were originally in the specifications for the bridge prior to the final version, which had the lights and poles; omitted because of fear the project would not be within budget. If Council so desires a motion could be;

“ Move to recommend VDOT to include in the new bridge project the proper street lighting (Granville series lights) from Maddox Blvd and Main going west to where the old section of the causeway ends and new bridge begins, including the new spur to Marsh Island.”

G:\R Ritter\Council Agenda\08.06.07 Packet\Memo Bridge Lighting.doc

GRANVILLE® SERIES



The classic elegance of acorn street lamps adorned metropolitan avenues and plazas during the early 20th Century. The GranVille Series captures the essence of this bygone era while incorporating the most advanced technology available today.

The cornerstone of the GranVille luminaire's superior performance is an advanced borosilicate glass optical refractor, which provides precise light control through finely molded prisms.

The prismatic refractor helps direct the light beam to the desired pattern, allows for maximum spacings with excellent uniformity, minimizes wasted light, and creates an appealing sparkle that distinguishes the GranVille luminaire from conventional plastic acorn globes.

GRANVILLE[®] SERIES

The heat resistant borosilicate glass refractors available are designed to provide IESNA Type II, III, IV, and V lighting distributions. In addition, Lunar Optics™ is available as a standard optical option in applications where IESNA cutoff is desired. This allows for a choice of distribution which will most effectively illuminate a particular area. Low wattage HPS, metal halide, and induction lamps are available.

- Distinctive styling
- Superior performance
- Ease of maintenance
- Permanence
- Reliability



The GranVille luminaire is available with a tool-less entry hinged top for easy lamp replacement. Also, a variety of decorative trim options such as covers, finials, ribs, and bands allow the GranVille luminaire to blend with any streetscape or site architecture.

Photos on the left feature GranVille luminaires with decorative covers.



Photo in the top right features classic GranVille luminaire with ribs and band.



Photo on bottom right features Syracuse GranVille luminaire.





CITY STREETS

PARKS

RESIDENTIAL AREAS

CAMPUSES

WALKWAYS

PARKING LOTS



In addition, the luminaire is available with one of five distinct housings ensuring the appropriate transition between pole and luminaire in any installation. In retrofit applications, a variety of traditional castings allow GranVille luminaires to adapt to virtually any existing pole.

For new projects, Holophane offers a full line of historically styled decorative cast aluminum, iron, cast iron and steel, fiberglass, and concrete posts. Contemporary round tapered steel and aluminum poles are also available.



GRANVILLE® SERIES

GRANVILLE® SERIES

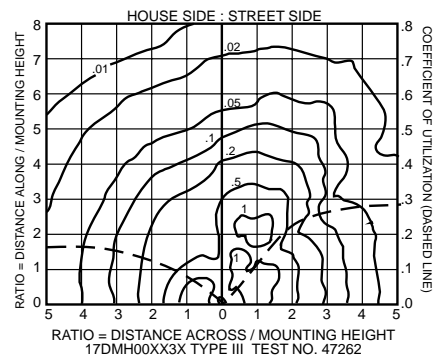
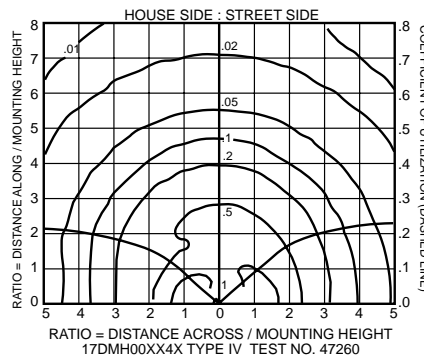
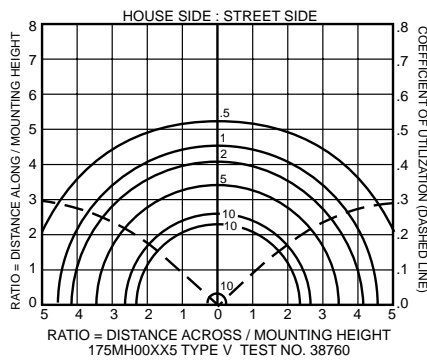
Photo on the right features a GranVille luminaire with Leaf housing on a decorative fluted pole.

Photo below features a GranVille with Convex housing mounted on a brick column.

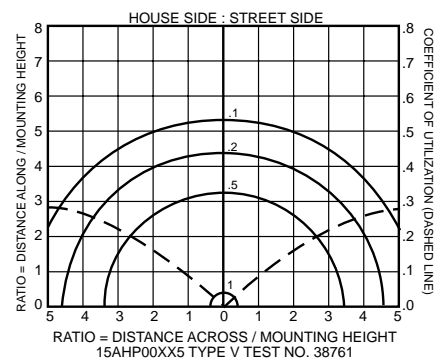
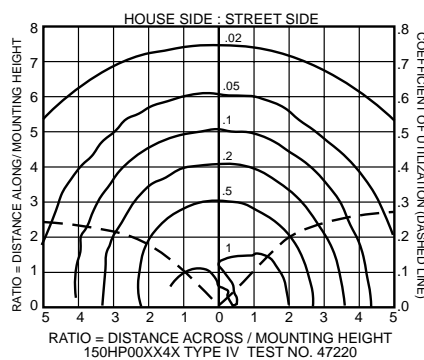
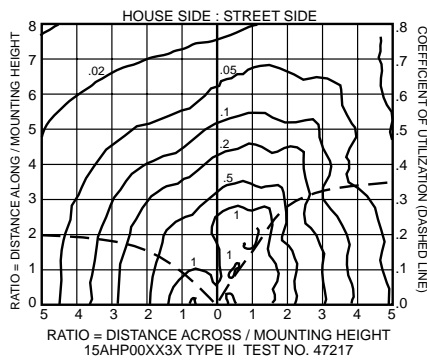
Photo below on the right features a GranVille luminaire with Arcadian housing on a Loveland wall bracket.



Photometrics



Metal Halide



Typical photometric data (Isofootcandle charts and coefficient of utilization curves)

Isofootcandle data is based on a 15 foot mounting height. To determine values for mounting heights other than 15 feet, multiply the value shown by the following factors:

10' - 2.25	12' - 1.56	14' - 1.15	16' - 0.88
18' - 0.69	20' - 0.56	22' - 0.48	24' - 0.39

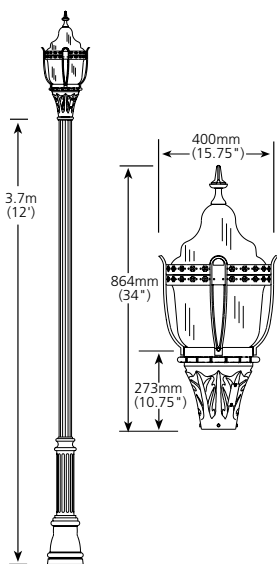
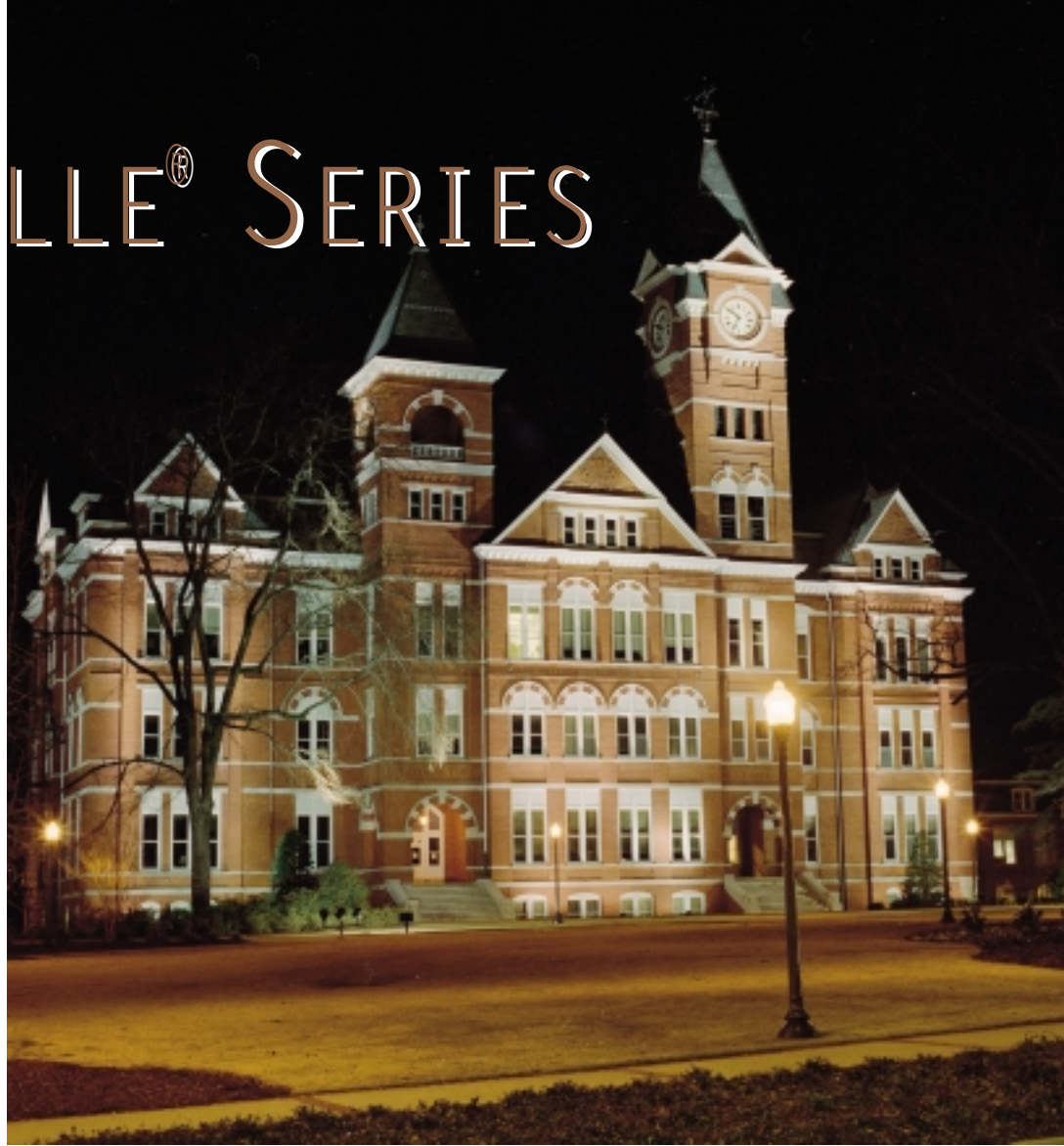
High Pressure Sodium



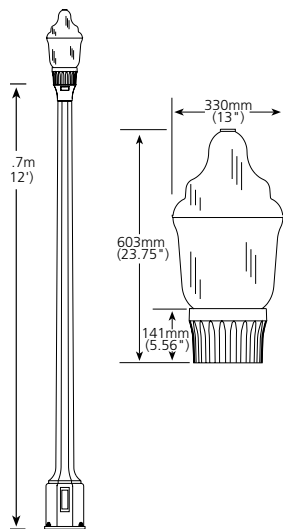
GRANVILLE® SERIES

GRANVILLE® SERIES

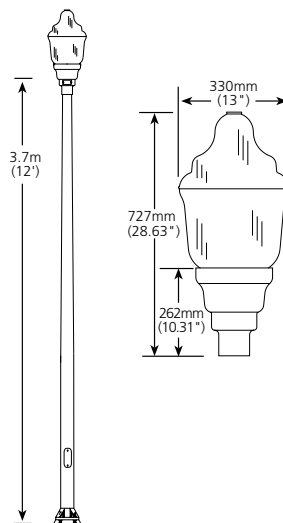
Photo on the right features GranVille luminaires on decorative posts in a typical night-time setting.



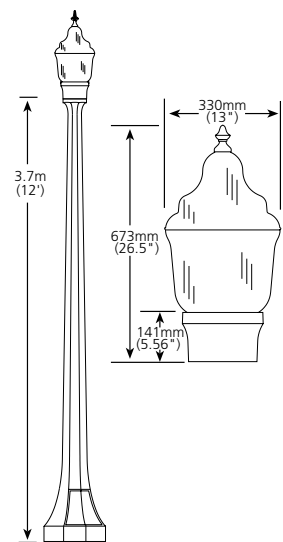
GranVille luminaire, Leaf housing with 5" finial, ribs and band on a Charleston decorative aluminum post



GranVille luminaire, Fluted housing with no finial on a stepped octagonal concrete post



GranVille luminaire, Simple housing with no finial on a tapered aluminum pole

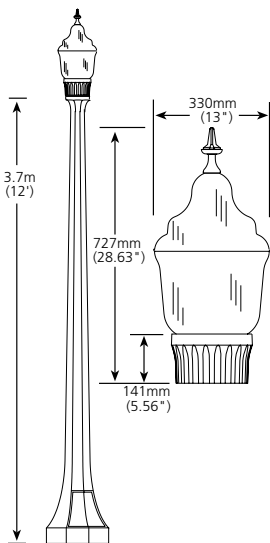


GranVille luminaire, Arcadian housing with 3" clear finial on a Barrington cast aluminum post

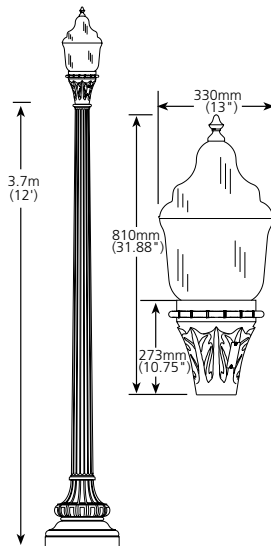
Typical Configurations



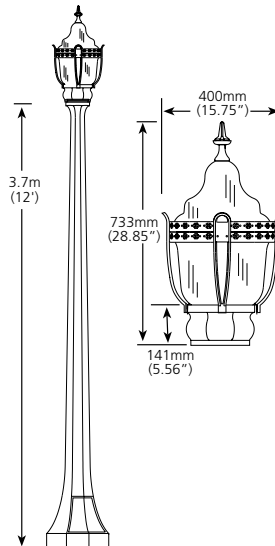
Photo on the left features a GranVille luminaire with Fluted housing on a decorative concrete post.



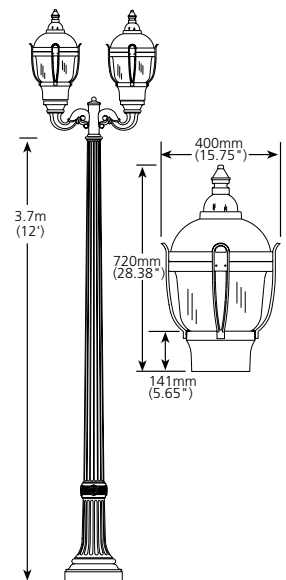
GranVille luminaire, Fluted housing with 5" finial on a Barrington decorative aluminum post



GranVille luminaire, Leaf housing with 3" clear finial on a Wadsworth decorative aluminum post



GranVille luminaire, Convex housing with 5" finial, ribs and band on a Barrington cast iron post



Twin Syracuse GranVille luminaires, Arcadian housing with pawn finial on a North Yorkshire cast iron post

Typical Configurations

GRANVILLE® SERIES

Styles

GranVille

Housing StyleSimple
Leaf
Arcadian
Fluted
Convex**Lamp Type**Metal Halide
HPS
Induction
Incandescent**Wattage**70-175W
35-150W
55W QL, 85W QL
200W max.**Traditional Optics**Asymmetric glass, Type III
Asymmetric glass, Type IV
Symmetric glass, Type V**Lunar Optics (IESNA Cutoff)**Asymmetric glass, Type II
Asymmetric glass, Type III
Symmetric glass, Type V**Colors**Black
Bronze
Green
As Specified**Finials**5" Natural Brass
5" Aluminum Painted
3" Clear Plastic
None**Attachments**Banding
Contoured top decorative cover(s)
Hinged top w/ finial, ribs, bands
Hinged top w/ spun cover, finial, ribs, bands**Options & Accessories**Button style photocontrol
Protected starter
House side shield (90°, 120°, 180°)
Uplight shield (solid and perforated)
FusingFor detailed ordering information, specifications,
and photometrics refer to the appropriate
technical data sheetAn **Acuity** Brands Company**Acuity Lighting Group, Inc.**214 Oakwood Ave., Newark, OH 43055 /
Holophane Canada, Inc. 9040 Leslie Street, Suite
208, Richmond Hill, ON L4B 3M4 / Holophane
Europe Limited, Bond Ave., Milton Keynes MK1
1JG, England / Holophane, S.A. de C.V.,
Apartado Postal No. 986, Naucalpan de Juarez,
53000 Edo. de Mexico**Contact your local Holophane factory sales representative** for application assistance, and computer-aided design and cost studies. For information on other Holophane products and systems, call the Inside Sales Service Department at 740-345-9631. In Canada call 905-707-5830 or fax 905-707-5695.**Limited Warranty and Limitation of Liability**

Refer to the Holophane limited material warranty and limitation of liability on this product, which are published in the "Terms and Conditions" section of the current product digest, and is available from our local Holophane sales representative.

Visit our web site at www.holophane.com

GRANVILLE® LUNAR OPTICS™



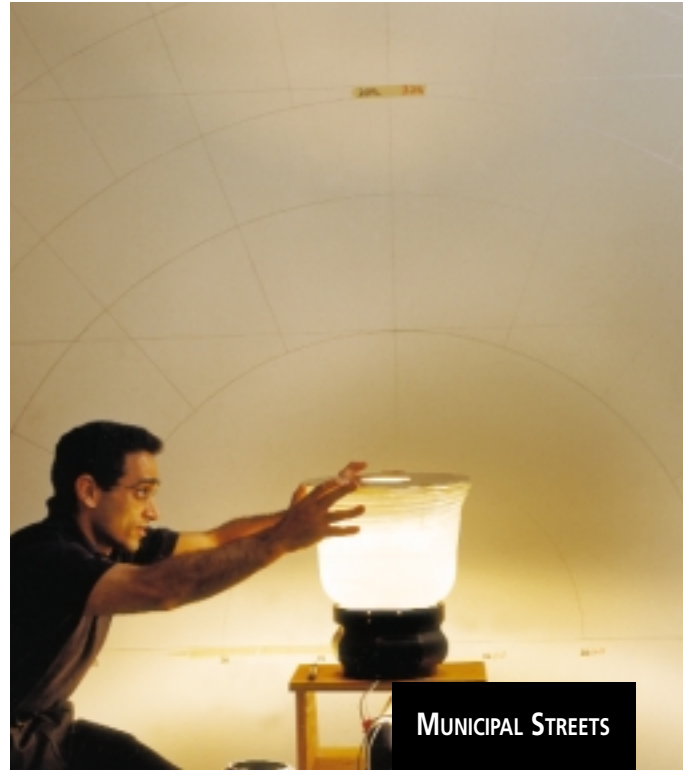
- IESNA Cutoff optics
- Reduced uplight
- Superior performance
- Reliability

Today's outdoor lighting needs are more complex than ever before. Lighting equipment that is attractive, efficient, and reliable has become a necessity in most outdoor lighting applications.

Furthermore, addressing environmental lighting issues such as urban sky glow (light pollution), light trespass, and glare have come to the forefront in certain regions of North America.

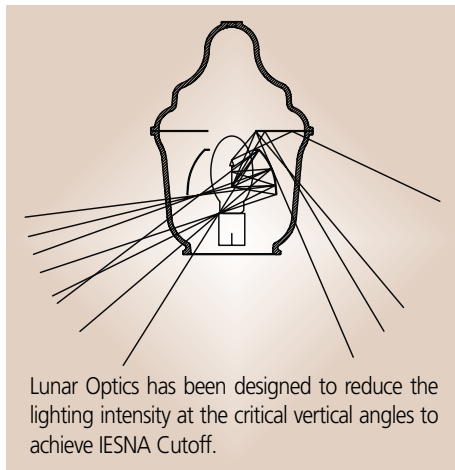


GRANVILLE[®] LUNAR OPTICS[™]



Photos above show the design and development process of Lunar Optics' sophisticated performance.

The GranVille luminaire combined with Lunar Optics has been designed to address the sophisticated requirements of outdoor lighting in the 21st Century. Specifically, the optical system has been engineered to provide performance that meets IESNA Cutoff, reduces direct uplight component, controls glare, and provides excellent illumination. Furthermore, a small amount of uplight allows the top portion of the globe to have a subtle glow that defines the classic acorn



MUNICIPAL STREETS

**RESIDENTIAL
DEVELOPMENTS**

CAMPUSES

PARKS

PLAZAS

shape. All this combined with a traditional appearance, reliable construction, and sound mechanical features make the GranVille with Lunar Optics an ideal solution for any outdoor environment.

The three heat resistant borosilicate glass refractors available are designed to meet IESNA Cutoff, and are available in Type II, III, and V distributions. This allows an optical choice that will most effectively illuminate a particular area. Low wattage high-pressure sodium and metal halide lamps are available.



Technical Information



1 Prismatic top reflector: is designed to define luminaire shape

2 Reflector mounting plate: is designed to support Lunar Optics reflector and reduce uplight

3 Anodized hydro-formed reflector: restricts intensity at the critical vertical angles

4 Ballast housing: holds and protects electrical components

The luminaire is available with one of six distinct housings to ensure the appropriate transition between pole and luminaire in any installation. In retrofit applications, a variety of traditional castings allow the luminaire to adapt to virtually any existing pole.

The GranVille luminaire is available with a tool-less entry hinged top for easy lamp replacement. Also, a variety of decorative trim options such as covers, finials, ribs, and bands allow the GranVille luminaire to blend with any streetscape or site architecture.

For new projects, Holophane offers a full line of historically styled decorative cast aluminum, iron, iron and steel, fiberglass, and concrete posts. Contemporary round tapered steel and aluminum poles are also available.



The photo on the top left features GranVille with Lunar Optics and full decorative cover.

Photo on the top right features GranVille with Lunar Optics and Mayfield decorative cover.

Photo on the bottom left features traditional GranVille with Lunar Optics.

Photo on bottom right features Syracuse GranVille with Lunar Optics.



GRANVILLE® LUNAR OPTICS™

Styles

GranVille
Syracuse

Housing Style

Simple
Leaf
Arcadian
Fluted
Convex
Utility

Lamp Type

Metal Halide
HPS
Mercury
Incandescent

Wattage

70-175W
35-150W
100-250W
200W max.

Optics

Asymmetric glass, Type II - Lunar Optics (IESNA Cutoff)
Asymmetric glass, Type III - Lunar Optics (IESNA Cutoff)
Symmetric glass, Type V - Lunar Optics (IESNA Cutoff)

Colors

Black
Bronze
Green
As Specified

Finials

5" Natural Brass
5" Aluminum Painted
3" Clear Plastic
None

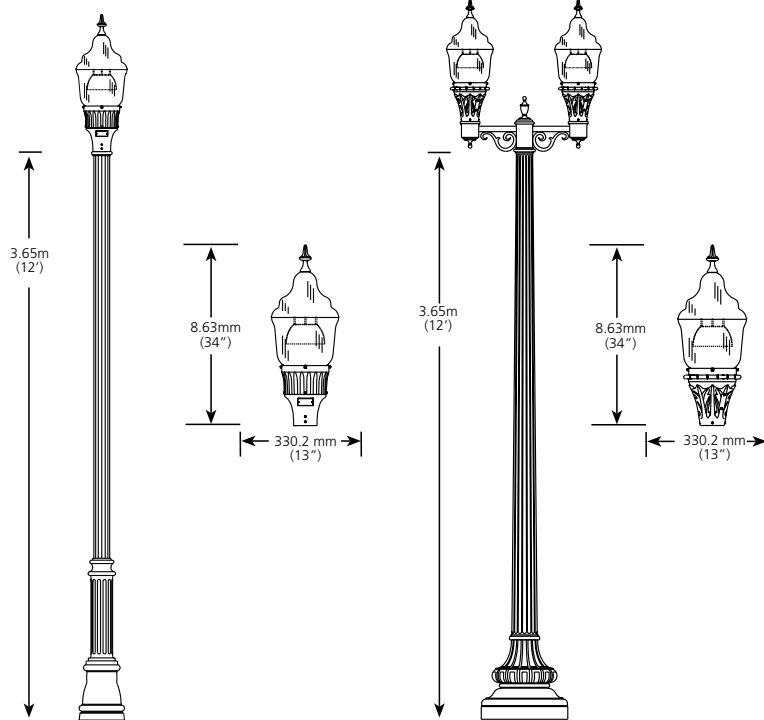
Attachments

Banding
Contoured top decorative covers
Hinged top w/ finial, ribs, bands
Hinged top w/ spun cover, finial, ribs, bands

Options & Accessories

Photocontrol
Protected starter
House side shield (90°, 120°, 180°)
Fusing

For detailed ordering information, specifications, and photometrics refer to the appropriate technical data sheet



GranVille with Lunar Optics on a Charleston aluminum post.

Twin GranVilles with Lunar Optics on a Cincinnati crossarm and Columbia cast iron post.



An AcuityBrands Company

Acuity Lighting Group, Inc.

214 Oakwood Ave., Newark, OH 43055 /
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Visit our web site at www.holophane.com

Typical Configurations



MINUTES OF THE JULY 24, 2007
CEMETERY COMMITTEE

Members Present

Terry Howard, Chairman

Ellen Richardson, Councilwoman

Gary Turnquist

Robert Ritter, Town Manager

Jared Anderson, Town Planner

1. Call to Order.

Chairman Howard called the meeting to order at 4:00 p.m.

2. Agenda Adoption.

Mr. Turnquist moved, seconded by Councilwoman Richardson, to adopt the agenda. The motion was unanimously approved.

3. Cemetery Maintenance.

Chairman Howard stated that part of Bunting Cemetery is clean but there is a section in need of cleaning especially before the Pony Swim. He has contacted Mr. Richard Taylor who was willing to clean the cemetery for a price of \$75.00. It was also stated that the Greenwood and Mechanics Cemeteries have been cleaned in anticipation for Pony Swim.

Chairman Howard stated that Christ Union Baptist Cemetery on Willow Street may need some maintenance. Mr. Rich Smith is working on genealogy of the black community in this area. Mr. Smith stated that there is a section in the center of this cemetery that is overgrown and has headstones. Mr. Turnquist asked if the Cemetery Committee could look into clearing that area out in the Fall. Chairman Howard asked if the committee could ride together to this cemetery to get a feel for the amount of work that needs to be done. Chairman Howard will call the other committee members next week to set up a time to visit Christ Union Baptist Cemetery.

4. Tombstone Relocation.

Mr. Turnquist has a tombstone and a footstone that came from a construction job site. Circumstances of its discovery are unknown. Apparently it was a child's grave that is over 100 years old. The tombstone came from the corner of Hallie Whealon Smith Road and Main Street. The general consensus of the committee is to move the headstone/footstone over to the Holy Ridge Cemetery. Mr. Tunquist asked if they could get a plaque that stated that this headstone was retrieved from another location on the island. Chairman Howard asked Mr. Ritter if he could look into the costs and whether the Council thought it was appropriate if the Town paid for a plaque.

5. Committee Members Comments/ Suggestions.

Chairman Howard is interested in expenditures and this years' remaining budget. It was mentioned that there is currently \$1,850.00 still left in the fund.

The next meeting is tentatively scheduled for Tuesday September 25, 2007 at 5:30 pm.

Councilwoman Richardson moved, seconded by Mr. Turnquist, to adjourn the meeting. The motion was unanimously approved at 4:20 p.m.

MEMORANDUM

To: Town Council

From: Mike Cosby, Public Works Director

Date: August 2, 2007

Subject: Contract for Harbor office and downtown restroom improvements

On August 1, 2007 one bid was received for the construction of the Curtis Merritt Harbor office/restroom building and the addition of shower facilities at the downtown restrooms. Rocky Hill Contracting, Inc. of Kenbridge, VA was the only bidder. This is the third time this project has been put out to bid, with the following results:

	Harbor	Downtown	Total
May 24, 2007 (no bids)	n/a	n/a	n/a
June 19, 2007 (one bid)	\$175,566	\$49,815	\$225,381
August 1, 2007 (one bid)	\$137,595	\$18,500	\$156,095

Recommendation: Award the contract to Rocky Hill Contracting, Inc. for the total amount of \$156,095.

MEMORANDUM

THE TOWN OF CHINCOTEAGUE

To: Mayor and Town Council

Via: Mr. Robert Ritter, Town Manager

From: Jared B. Anderson, Town Planner

Date: July 31, 2007

Subject: Possible Zoning Changes- Condominiums, Townhouses, and Multi-family Dwellings.

Please review and if you have any questions please feel free to contact me (email: jared@chincoteague-va.gov, or 336-6519).

During the July 18, 2007 Planning Commission meeting a public hearing, after proper notice, was held for possible zoning changes to Condominiums, Townhouses, and Multi-family dwellings in the C-1 and C-2 Districts.

Chairman Rosenberger initiated discussion of this issue by opening the floor for public comment. There were no public comments. Chairmen Rosenberger then closed the floor for public comments.

Mr. Ward has concerns about using the R-3 area, setback, and lot size requirements if these uses were permitted by Conditional Use only. The concern being it would not give the Mayor and Council as much discretion as it would if they did not follow R-3 district requirements.

Mr. Derrickson asked what the reason was behind changing Condominiums, Townhouses, and Multifamily dwellings from their current status in the C-1 and C-2 Districts. Mr. Lewis stated that by allowing these uses as Conditional Uses it gives the Mayor and Council the ability to set conditions on the development for the well-being of the town. Mr. Derrickson has concerns over the taking of property rights. Another reason for introducing these changes are to protect the limited amount of land in the Commercial Districts.

Mrs. Wolffe made a motion to recommend using 'alternate second paragraph' for area and setback requirements and 'alternative' paragraph for lot size, in addition to the rest of the original motion as set forth by the Town's Attorney. It should also be noted that only a project with preliminary plat approval will be grandfathered if the said ordinance were to change. The motion was properly seconded. Ayes- Richardson, Behr, Wolffe, Ward, Cherrix, Rosenberger, Nays- Derrickson.

After a proper notice, public hearing, and careful consideration the Planning Commission recommends to Mayor and Council the following motion.

MOTION

That, giving consideration to the public necessity, convenience, general welfare, and good zoning practices, the following proposed amendments to the Town of Chincoteague's Zoning Ordinance be referred to the Town Planning Commission pursuant to Section 15.2-2285 for their recommendations, such recommendations to be made only after Notice and Public Hearing in accordance with Section 15.2-2204.

The Planning Commission shall report its recommendations with any explanatory materials within ninety (90) days of its first meeting to consider the proposed amendments.

Repeal	Sec.4.1.30. Townhouse
Repeal	Sec.4.1.31. Condominiums
Repeal	Sec.4.1.34. Multifamily dwelling
Repeal	Sec.4.4.42. Townhouse
Repeal	Sec.4.4.43. Condominiums
Repeal	Sec.4.4.46. Multifamily dwellings

All such Sections shall be "Reserved."

Amend Sec.4.1.40 to read as follows:

4.1.40. Any parcel which is located in two or more zoning districts may, at the property owner's request, apply the permitted usages of the district in which a majority of the parcel is located to the entire parcel, so long as it remains a part of the original lot.

~~Area and setback requirements for 4.1.28, 4.1.29, 4.1.32, 4.1.33, 4.1.35, 4.1.36, 4.1.37, and 4.1.38, or any townhouse, condominium, or multifamily dwelling development permitted pursuant to a conditional use permit by the Town Council, shall use R-3 area regulations.~~

Alternative Second Paragraph

Area and setback requirements for 4.1.28, 4.1.29, 4.1.32, 4.1.33, 4.1.35, 4.1.36, 4.1.37, and 4.1.38 shall use R-3 area regulations. Any townhouse, condominium, or multifamily dwelling development permitted pursuant to a conditional use permit by the Town Council shall be subject to such area and setback requirements as shall be required and provided for in said conditional use permit.

Amend Sec. 4.3.1 as follows:

Sec. 4.3.1. *Lot Size.* No minimum lot size for permitted uses shall be required except as noted under 4.1.40.

Amend Sec. 4.6.1. to read as follows:

~~4.6.1. Lot size. No minimum lot size for permitted uses shall be required, with the exception that all residential uses, whether permitted as a matter of right or permitted pursuant to a conditional use permit issued by the Town Council, must comply with R-3 requirements.~~

Alternative

Sec. 4.6.1. Lot Size. No minimum lot size for permitted uses shall be required, with the exception that all residential uses permitted as a matter of right shall comply with R-3 requirements. Any townhouse, condominium, or multifamily dwelling development permitted pursuant to a conditional use permit by the Town Council shall be subject to such area and setback requirements as shall be required and provided for in said conditional use permit.

No such repeal shall affect any existing zoning and/or subdivision approval and/or any pending substantial bonafide working application for any such approval.

Any such amendments shall be effective upon adoption by the Town Council and approval by the Mayor.

Prior to discussion, if Council so desires a motion could read “move to send these items to public hearing at the Council meeting of September 3, 2007, pursuant to sec. §15.2-2204 of the Code of Virginia.”

MEMORANDUM

THE TOWN OF CHINCOTEAGUE

To: Mayor & Town Council

From: Kenny L. Lewis, Building Official

Subject: Unsafe Structure, Melodie Reed

Date: July 10, 2007

On September 7, 2006, November 17, 2006 and March 1, 2007, I send correspondence to Melodie Reed regarding an unsafe structure located at 5289 Main Street.

Ms. Reed has made little effort in removing the unsafe conditions at this property.

I hereby request approval to advertise in the local newspaper to put out on bids for the removal of this structure.

This is the old green house on the left side of Main Street just before Blake Point Lane.

If you have any questions regarding this matter please feel free to call or stop-by.

A possible motion:

“ Move to allow staff to advertise for bids to remove the unsafe structure located at 5289 Main Street and take the proper action toward recouping the demolition and removal costs ”.

Town of Chincoteague Planning Area of Requested Demolition

Area For Demolition

Legend

- Bodies of Water
- Parcels
- Roads
- Streams
- TownBoundary

Page 32 of 86

Page 32 of 86





18 3:54 PM



18 3:55 PM





18 3:55 PM



18 3:56 PM



18 3:56 PM



18 3:59 PM



KEEP OUT

18 3:59 PM

MEMORANDUM

To: Mayor and Town Council

From: Jared B. Anderson, Town Planner

Date: June 28, 2007

Subject: Subdivision Ordinance- Roads

This Memorandum is in reference to the Subdivision Ordinance in particular roads. Please refer back to a memo dated September 21, 2006 (see attached) from Jon C. Poulson to Mayor and Town Council for additional information. Please review and if you have any questions please feel free to contact me (email: jared@chincoteague-va.gov, or 336-6519).

An amendment to Section 14.09(a) and Section 15.05(a) would be as follows:

(a) ~~Public roads as may be required.~~ **Public roads developed in accordance with the Virginia Department of Transportation 2005 Subdivision Street Requirements, as may be amended from time to time, and eligible for addition to the secondary system of state highways maintained by the Virginia Department of Transportation and/or the Town of Chincoteague, if the developer intends for said roads to be public and not maintained by the developer and/or the owners of lots, parcels, or units within the subdivision; or alternatively, in the event that the developer does not intend such roads to be added to the secondary systems, and with the express written agreement of the subdivision agent, private roads satisfying the following requirements or criteria:**

- 1. Street Width and Right of Way.**
If there is to be No Parking on Street then there shall be a minimum of 18 feet of pavement width, and a 30 foot Right-of-Way.

If there is to be parking on one side of street then there shall be a minimum of 24 feet of pavement width, and 36 foot Right-of-Way.

If there is to be parking on both sides of the street then there shall be a minimum of 28 feet of pavement width, and a 40 foot Right-of-Way.

Larger widths may be required by the subdivision agent as deemed necessary due to use volumes, traffic densities, the inclusion, or engineering judgment.
- 2. Road Structure.** Paved surfaces shall be constructed in accordance with the current edition of the Virginia Department of Transportation (VDOT) “Pavement Design Guide for Subdivision and Secondary Roads.” Other surface materials may be approved for use by the subdivision agent if they are deemed appropriate for the soil characteristics and the intended use of the road.
- 3. Location.** Placement of streets will be considered in relation to existing and planned streets as well as pedestrian or other uses. Land use permits shall be required for connections to public roads.
- 4. Cul-de-sacs.** An adequate turnaround shall be provided at the end of each cul-de-sac, with additional right of way required as needed.
- 5. Sidewalks, Curbs, Gutters and Driveway Aprons.** Concrete structures shall be installed within the right of way and conform to the specifications of the Town of Chincoteague Drawing number 35, “Misc. Concrete Work”. If curb ramps are utilized they shall conform to the requirements of the Americans with Disabilities Act.
- 6. Drainage.** The developer shall provide the subdivision agent with an engineer’s drawing for approval depicting elevations, impervious surfaces and proposed drainage facilities. The developer shall construct all

drainage facilities in accordance with the requirements of the current edition of the VDOT Drainage Manual. If those requirements are not possible to fulfill, they may be waived by the subdivision agent. When required drainage construction necessitates an easement through property outside the right of way, such easement shall be obtained by the developer and shall not be less than ten feet in width. If the development site includes a drainageway that is considered vital for the stormwater management of areas outside the subdivision, the subdivision agent may require the developer to deed a maintenance easement to the Town.

- 7. Traffic Control. Signage and other traffic control devices shall be required in accordance with the current edition of the U.S. Department of Transportation's Federal Highway Administration "Manual on Uniform Traffic Control Devices". 911 signs shall be installed at intersections and street names subject to Town approval. The acquisition and installation costs for traffic control devices will be borne by the developer. If a traffic signal is required, it shall be installed at the developer's expense and in accordance with the requirements of the VDOT resident engineer.**
- 8. Utilities. Easements and utility installations shall be designed in accordance with the current requirements of the Code of the Town of Chincoteague, Virginia as well as any other applicable governmental body, agency or utility provider. It shall be the developer's responsibility to obtain all necessary permits or approvals.**

The developer is required to pay an inspection fee during construction in amount set by council each fiscal year.
- 9. Street Lights. Installation of street lights may be required by the subdivision agent at intersections to public roads. Installation shall be the responsibility of the developer and completed in a manner that meets the current requirements of the Town of Chincoteague, VDOT, and the electric utility.**
- 10. Performance and Surety Bonds. Performance and surety bonds shall be required in a form mandated by the subdivision agent.**
- 11. Maintenance. A legally enforceable covenant or agreement, not subject to modification or revocation, whereby the owners of such lots, parcels or units or an association comprised of such owners shall be financially**

obligated to maintain such private road in a manner that preserves the conditions created by the above requirements and criteria as deemed necessary by sound engineering judgment.

12. **Other conditions.** In making the determination whether to require public roads or permit private roads in any subdivision and the enforcement of the requirements or criteria set forth above, the subdivision agent shall give consideration to the number of lots involved in said subdivision, the relationship of said road to existing or planned roads, traffic density and volume, the convenience and safety of the public as well as the lot owners in the proposed subdivision, and to other considerations that may have a specific application to the proposed development site. In making the determinations required hereunder the subdivision agent shall consult with the roads engineer and other sources as deemed necessary. The subdivision agent reserves the right to require the developer to obtain professional engineering or consulting services as deemed necessary.

Additionally Sections 16.03 and 16.04 should be repealed:

~~16.03. *Public roads.* The following standards shall apply to the layout of public roads:~~

- ~~(a) The arrangement, character, extent, grade, width, and location of all roads shall be acceptable to the roads engineer and shall be considered in their relation to existing and planned roads, to topography, to public convenience and safety and to the proposed uses of the land to be served by such roads.~~
- ~~(b) The road layout shall provide for the continuation or projection of roads already existing in the area, unless such extension is undesirable for reasons of topography, design, or safety.~~
- ~~(c) The name of any proposed road shall not be the same or similar to the name of any existing road, and shall be approved by the governing body, except that extensions of existing roads shall bear the same name as the existing road.~~
- ~~(d) Local roads shall be laid out so as to discourage their use by through traffic.~~
- ~~(e) If a portion of a parcel is not to be subdivided at the present time, suitable access for the future subdivision of such portion shall be provided, unless such unsubdivided portion is clearly unsuitable for development.~~

- ~~(f) Where stub roads are provided abutting unsubdivided land, temporary easements for turnarounds may shall be required by the roads engineer, zoning administrator or planning commission.~~
- ~~(g) Where natural features or the design concepts employed make their use appropriate, cul-de-sacs may be used. Cul-de-sacs shall not be more than 800 feet in length, except by permission of the town, and each cul-de-sac shall be terminated with a turnaround of not less than a 30-foot radius in diameter. that meets Virginia Department of Transportation specifications.~~
- ~~(h) Layout of roads shall minimize the number of access points to collector roads and arterial highways.~~
- ~~(i) Layout of roads shall minimize pedestrian and vehicle conflict points. The town may require the installation of sidewalks when such improvements are important to traffic safety.~~
- ~~(j) Alleys should be avoided whenever possible.~~
- ~~(k) Multiple intersections involving the junction of more than two roads shall not be used, except by permission of the town. Roads shall be laid out to intersect as nearly as possible at right angles.~~
- ~~(l) The minimum width of proposed roads, measured from lot line to opposite lot line, shall be as shown on the town's major road plan, or if not shown on such plan, shall be in accordance with Virginia Department of Transportation specifications.~~
 - ~~1. Collector roads, not less than 50 feet.~~
 - ~~2. Local roads, not less than 50 feet.~~
 - ~~3. Service roads and other roads, not less than 50 feet.~~
 - ~~4. Alleys, if permitted, not less than 20 feet.~~

~~When any subdivision abuts an existing public road with inadequate right-of-way, the town may require the developer to dedicate the necessary right-of-way to meet the minimum right-of-way requirement as indicated above to the Virginia Department of Transportation.~~

- ~~(m) All proposed roads shall be constructed by the developer in accordance with Virginia Department of Transportation secondary urban roads specifications and requirements.~~
- ~~(n) The developer shall install at all intersections street signs of a design approved by the roads engineer at the expense of the developer.~~
- ~~(o) The town shall request a review of the application of the Subdivision Ordinance to a subdivision by the resident engineer to verify compliance with Virginia Department of Transportation specifications.~~

~~16.04. Private roads. The following standards shall apply to private roads:~~

- ~~(a) Private roads may not be platted within a subdivision, except when the subdivision is designated a small scale or low density development with the total number of lots to be served not exceeding ten. The developer shall specify on all plats that the roads are private and not subject to be maintained by the Commonwealth of Virginia or the Town of Chincoteague. The developer by written statement shall further agree to release, discharge and absolve all governmental agencies from all immediate and future responsibility with regard to the improvements or maintenance of the private roads and rights of way so established, and shall record such statement with the deeds of transfer for each lot fronting on a private road. (See addendum 5 for example.)~~
- ~~(b) Private roads shall have a right of way of not less than 30 feet for their entire length and shall connect to a public road, unless the town shall waive such requirement. In making such exceptions, the town may attach such additional requirements and limitations on the subdivision as it may judge appropriate.~~
- ~~(c) No private road access shall be established nor the number of lots served by an existing private road right of way increased unless the roads engineer approves the access of that private right of way to the public road system.~~

~~(d) No private road right of way shall be platted until the developer has specified in writing who is responsible for its improvement and maintenance. Such statement shall appear on the face of the plat and in each deed for abutting lots.~~

Under Section 2.02 -Definitions of the Land Subdivision and Development

Right-of-way. A strip of land dedicated or reserved for a road, crosswalk, sanitary or storm sewer, water main, drainage facility, public utility or other special use. **utilities, or other specific use to serve the lots within a subdivision. Any right-of-way for subdivision planning purposes under this Ordinance shall be required to be specifically shown on any plat. Any such right-of-way shall not be situated within the dimensions or area of any such platted lot, unless specifically permitted hereunder. The term “right of way” for land platting purposes under this ordinance shall mean that every right of way hereafter established and shown on a plat is to be separate and distinct from lots or parcels adjoining such right of way and not included within the dimensions or areas of such lots or parcels.**

Road. Any public or private way set aside as a permanent right-of-way for ~~motor vehicle travel and affording the principal means to abutting properties. For the purpose of this ordinance, the word “road” shall include the words “streets,” “highway,” “land,” “avenue,” “boulevard,” “alley,” “lane,” and “drive.”~~ **vehicular traffic that results from the subdivision of land, including the entire area within the right-of-way. For purposes of this Ordinance the term “road” shall not include, except as may be specifically required by the Virginia Department of Transportation’s Subdivision Street Requirements, effective January 1, 2005, for inclusion into the secondary system of state highways, those areas within approved townhouse or condominium complexes designated for resident or guest parking and/or utilized to provide ingress and/or egress to and from such designated parking areas.**

The term “road” shall include, for the purposes of this Ordinance, the words street, highway, avenue, boulevard, alley, lane, and drive.

Road, private. A road owned by one or more persons, restricted in use and not maintained by the Town of Chincoteague, the Virginia Department of ~~Highways [Transportation] or~~ **Transportation, and** one not intended for acceptance **by the developer** into the state highway system.

Road, public. A road maintained by the Town of Chincoteague, ~~or the Virginia Department of Highways [Transportation], or one intended for acceptance into the state highway system and approved by the roads engineer as meeting Virginia Department of Highway [Transportation] specifications~~ **Subdivision Street Requirements, as herein provided.**

Prior to discussion, if Council so desires a motion could read “move to send these items to public hearing at the Council meeting of September 3, 2007, pursuant to sec. §15.2-2204 of the Code of Virginia.”

Law Offices of
JON C. POULSON
Attorney and Counselor at Law

Three Cross Street
P. O. Box 478
Accomac, Virginia 23301

Telephone: 757-787-2620
Fax: 757-787-2749

TO: Mayor
Town Council
Town Manager
Public Works Director

FROM: Jon C. Poulson

DATE: September 21, 2006

SUBJECT: Amendments

Reference is made to my memo of June 28, 2005 to Mr. Rosenberger which was subsequently forwarded to Council on May 25, 2006. These pertain to potential amendments to address several issues in the Subdivision Ordinance relative to "roads" in townhouse and condominium complexes and public or private roads in conventional subdivisions. Essentially I am repeating several of the suggested 2005 Amendments which I am including herewith, but I am changing the concept of Section 1409(a) and Section 15.05(a). Basically under the previous proposals the concept was to permit a developer to build either public roads in accordance with VDOT 2005 Subdivision Street Requirements or alternatively putting in private roads in accordance with requirements and criteria specified in the Ordinance and administered by our road engineer. After meeting with the Mayor and Town Manager, the suggestion was made that we change that concept so as to require public roads or alternatively permit private roads with the agreement of the Town road engineer and based on criteria which we will develop. Basically the new concept takes the option away from the developer but permits the developer to utilize private roads if approved by the Town. Under the scheme the Town road engineer will have considerable discretion, but will have appropriate criteria to apply.

Accordingly, an amendment to Section 1409(a) and Section 15.05(a) would be as follows:

- (a) Public roads developed in accordance with the Virginia Department of Transportation 2005 Subdivision Street Requirements, as may be amended from time to time, and eligible for addition to the secondary system of state highways maintained by the Virginia Department of Transportation and/or the Town of Chincoteague, if the developer intends for said roads to be public and not maintained by the developer and/or the owners of lots, parcels, or units within the subdivision; or alternatively, in the event that the developer does not intend such roads to be added to the secondary systems, and with the express written agreement of the subdivision agent, private roads satisfying the following requirements or criteria:

1. (Width)
2. (Pavement composition)
3. (Width of pavement)
4. (Shoulders, curbing)
5. (Drainage)
6. (Utilities)
- 7.
- 8.
- 9.
10. A legally enforceable covenant or agreement, not subject to modification or revocation, whereby the owners of such lots, parcels, or units or an association comprised of such owners are financially obligated to maintain such private road in accordance with the above requirements or criteria, subsequent to the termination of the development's maintenance obligation.
11. A valid land use permit for connection to a public road.

The subdivision agent with the concurrence of the road engineer may make reasonable modifications or deviations from the above requirements or criteria as site conditions may deem necessary based on a sound engineering basis.

In making the determination whether to require public roads or permit private roads in any subdivision and the utilization of the requirements or criteria set forth above, the subdivision agent shall give consideration to the number of lots involved in said subdivision, the relationship of said road to existing or planned roads, traffic density, to the public's convenience and safety, the

convenience and safety of the lot owners in the proposed subdivision, and to other matters that may have specific application to the site being developed. In making the determinations required hereunder the subdivision agent shall consult with the road engineer, or any other source that he deems necessary.

I would suggest that we simply repeal Section 1603 and Section 1604.

Change definition of "Right-of-way" to the following:

Right-of-way. A strip of land dedicated or reserved for a road, sanitary or storm sewers, water mains, drainage facilities, public utilities, or other specific use to serve the lots within a subdivision. Any right-of-way for subdivision planning purposes under this Ordinance shall be required to be specifically shown on any plat. Any such right-of-way shall not be situated within the dimensions or area of any such platted lot, unless specifically permitted hereunder.

Change the definition of "Road" in Section 2.2 to the following:

Road. Any public or private way set aside as a permanent right-of-way for vehicular traffic that results from the subdivision of land, including the entire area within the right-of-way. For purposes of this Ordinance the term "road" shall not include, except as may be specifically required by the Virginia Department of Transportation's Subdivision Street Requirements, effective January 1, 2005, for inclusion into the secondary system of state highways, those areas within approved townhouse or condominium complexes designated for resident or guest parking and/or utilized to provide ingress and/or egress to and from such designated parking areas.

The term "road" shall include, for the purposes of this Ordinance, the words street, highway, avenue, boulevard, alley, lane, and drive.

Change the definition of “Road, private” as follows:

Road, private. A road owned by one or more persons, restricted in use and not maintained by the Town of Chincoteague or the Virginia Department of Transportation, and one not intended for acceptance by the developer into the state highway system.

Change the definition of "Road, public" as follows:

Road, public. A road maintained by the Town of Chincoteague or the Virginia Department of Transportation, or one intended for acceptance in to the state highway system and approved by the road engineer as meeting Virginia Department of Transportation Subdivision Street Requirements, as herein provided.

To: Mayor & Town Council
From: Planning Commission
Subject: Proposed Subdivision and Zoning Ordinance Changes
Date:

The Planning Commission on January 5, 2006 conducted a public hearing to receive public comments on the following proposed changes to the current subdivision ordinance and zoning ordinance.

The Commission request that you consider the following changes as presented:

Section 2.02 *Definitions:*

Fire Safety. To assure Fire Safety, Emergency vehicles can adequately service the needs of people and structures associated with parking areas and parking lots, an Emergency Lane (s) shall be established that provides vehicle access to at least 100 feet of three (3) sides of any structure(s) with a lane width of 18 feet.

Parking Lot. A off street facility, including parking spaces, along with adequate provisions for drives and aisles for maneuvering and giving access, and for entrance and exit, all laid out in a way to be usable for parking.

Spaces shall be defined and shall be 10 feet by 20 feet for automobiles and 10 feet by 30 feet for boat trailers where applicable. A parking area for boat trailers shall be established in a separate area from vehicle parking and not adjacent to any public right-of-way or within 30 feet of such.

Aisles shall be 22 feet or more in width.

Access and exit from and to Town roads shall meet VDOT standards for width and paving and shall be at least 50 feet in length. At the point of leaving the required right-of-way, developers may be required to construct roadways and turn-arounds within parking lots to VDOT standards to provide the capability of Town acceptance at future times.

All parking lots and parking areas shall be constructed and maintained by a paved surface meeting VDOT standards.

Parking lots will be required to have safe pedestrian traffic capability by providing sidewalks or defined safe walkways that provide access to the structures served by these lots.

Parking Space. A off-street space available for parking of (1) one motor vehicle and having an area not less than 10 feet by 20 feet and an area of 10 feet by 30 feet for boat trailers exclusive of passageways and driveways appurtenant thereto, and having direct access to a street or road.

Right-of-way. A strip of land dedicated or reserved for a road, ~~crosswalk~~, sanitary or storm sewer, water main, drainage ~~facility~~ **facilities**, public utility or other special use **to serve lots within a subdivision. Any right-of-way for subdivision planning purposes under this Ordinance shall be required to be specifically shown on plat. Any such right-of-way shall not be situated within the dimensions or area of any platted lot, unless specifically permitted hereunder.** ~~The term "right-of-way" for land platting purposes under this ordinance shall mean that every right-of-way hereafter established and shown on a plat is to be separate and distinct from lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.~~

Road. Any public or private way set aside as a permanent right-of-way for ~~motor vehicle travel and affording the principal means to abutting properties.~~ **vehicular traffic that results from the subdivision of land, including the entire area within the right-of-way. For purposes of this Ordinance the term "road" shall not include, except as may be specifically required by the Virginia Department of Transportation's Subdivision Street Requirements, effective January 1, 2005, for inclusion into the secondary system of state highways, those areas within approved townhouse or condominium complexes designated for resident or guest parking and/or utilized to provide ingress and/or egress to and from such designated parking areas.**

For the purpose of this ordinance, the word "road" shall include the words "streets," "highway," ~~land,~~ "avenue," "boulevard," "alley," "lane" and "drive."

~~*Road, private.* A road owned by one or more persons, restricted in use and not maintained by the Town of Chincoteague, the Virginia Department of Highways [Transportation] or one not intended for acceptance into the state highway system.~~

Road, public. A road maintained by the Town of Chincoteague, the Virginia Department of Highways [Transportation] or one intended for acceptance into the state highway system and approved by the roads engineer as meeting Virginia Department of ~~Highway [Transportation] specifications.~~ **Transportation Subdivision Street Requirements, as herein provided.**

(a.) Private roads are prohibited.

14.08. *Effect of recordation of the final plat.* Upon the recordation of final plat, and only after such recordation, the developer may transfer or sell lots included within such final plat, and the developer may exhibit such final plat in promoting the sale of such lots. Furthermore, the developer or a subsequent owner may acquire a building permit for construction on a lot covered by such final plat. In all advertising of lots covered by a final plat, the developer shall:

(a) State whether officially approved water and sewerage facilities are available or not.

~~(b) State whether roads are public or private.~~

~~(c)~~ (b) State whether [the] lot is located in the floodplain.

14.09. *Improvements required to be provided in a major subdivision.* The following improvements shall be provided by the developer in a major subdivision as a prerequisite for recordation of the final plat, as may be required:

- (a) ~~All roads Public roads as may be required.~~ shall be developed in accordance with the Virginia Department of Transportation 2005 Subdivision Street Requirements, as may be amended from time to time, and eligible for addition to the Urban Highway Standards of state highways maintained by the Virginia Department of Transportation and/or the Town of Chincoteague, if the developer and/or the owners of the lots, parcels, or units within the subdivision; or alternatively, in the event that the developer does not intend such roads to be added to the secondary systems, a legally enforceable covenant or agreement, not subject to modification or revocation, whereby the owners of such lots, parcels, or units or an association comprised of such owners are financially obligated to maintain such road in accordance with the above requirements or criteria subsequent to the termination of the development's maintenance obligation. A valid land use permit for connection to a public road is required.
- (b) Drainage improvements.
- (c) Installation of water and/or sewer mains, if public service is available.
- (d) Surveying monuments.
- (e) Street signs on ~~public~~ all roads.
- (f) Such other improvements as the planning commission may have made a part of its approval of the final plat.

All such improvements shall be made in conformance with the construction plans and specifications approved with the final plat.

15.04. *Effect of recordation of the final plat.* Upon the recordation of final plat, and only after such recordation, the developer may transfer or sell lots included within such final plat, and the developer may exhibit such final plat in promoting the sale of such lots. Furthermore, the developer or a subsequent owner may acquire a building permit for construction on a lot covered by such final plat. In all advertising of lots covered by a final plat, the developer shall:

- (a) State whether officially approved water and sewerage facilities are available or not.
- ~~(b) State whether roads are public or private.~~
- ~~(c)~~ (b) State ~~whether~~ the lot(s) ~~is~~ are located within the floodplain.

15.05. *Improvements required to be provided in a minor subdivision.* The following improvements shall be provided by the developer in a minor subdivision as a prerequisite for recordation of the final plat, as may be required:

- (a) ~~All roads Public roads as may be required.~~ shall be developed in accordance with the Virginia Department of Transportation 2005 Subdivision Street Requirements, as may be amended from time to time, and eligible for addition to the Urban Highway Standards of state highways maintained by the Virginia Department of Transportation and/or the Town of Chincoteague, if the developer and/or the owners of the lots, parcels, or units within the subdivision; or alternatively, in the event that the developer does not intend such roads to be added to the secondary systems, a legally enforceable covenant or agreement, not subject to modification or

revocation, whereby the owners of such lots, parcels, or units or an association comprised of such owners are financially obligated to maintain such road in accordance with the above requirements or criteria subsequent to the termination of the development's maintenance obligation. A valid land use permit for connection to a public road is required.

- (b) Drainage improvements;
- (c) Installation of water and/or sewer mains, if public service is available;
- (d) Surveying monuments;
- (e) Street signs on ~~public~~ all roads; and
- (f) Such other improvements as the planning commission may have made a part of its approval of the final plat.

All such improvements shall be made in conformance with the construction plans and specifications approved with the final plat.

16.03. ~~Public~~ Roads, **public**. The following standards shall apply to the layout of ~~public~~ all roads:

(a) Private roads are prohibited.

- ~~(b)~~ (b) The arrangement, character, extent; grade, width, and location of all roads shall be acceptable to the roads engineer and shall be considered in their relation to existing and planned roads, to topography, to public convenience and safety and to the proposed uses of the land to be served by such roads.
- ~~(c)~~ (c) The road layout shall provide for the continuation or projection of roads already existing in the area, unless such extension is undesirable for reasons of topography, design, or safety.
- ~~(d)~~ (d) The name of any proposed road shall not be the same or similar to the name of any existing road, and shall be approved by the governing body, except that extensions of existing roads shall bear the same name as the existing road.
- ~~(e)~~ (e) Local roads shall be laid out so as to discourage their use by through traffic.
- ~~(f)~~ (f) If a portion of a parcel is not to be subdivided at the present time, suitable access for the future subdivision of such portion shall be provided, unless such unsubdivided portion is clearly unsuitable for development.
- ~~(g)~~ (g) Where stub roads are provided abutting unsubdivided land, temporary easements for turnarounds may be required by the roads engineer, zoning administrator or planning commission.
- ~~(h)~~ (h) Where natural features or the design concepts employed make their use appropriate, cul-de-sacs may be used. Cul-de-sacs shall not be more than 800 feet in length, except by permission of the town, and each cul-de-sac shall be terminated with a turnaround of not less than a ~~30~~ 50 foot radius in diameter.

- ~~(h)~~ (i) Layout of roads shall minimize the number of access points to collector roads and arterial highways.
- ~~(i)~~ (j) Layout of roads shall minimize pedestrian and vehicle conflict points. The town may require the installation of sidewalks when such improvements are important to traffic safety.
- ~~(j)~~ (k) Alleys should be avoided whenever possible.
- ~~(k)~~ (l) Multiple intersections involving the junction of more than two roads shall not be used, except by permission of the town. Roads shall be laid out to intersect as nearly as possible at right angles.
- ~~(l)~~ ~~The minimum width of proposed roads, measured from lot line to opposite lot line, shall be as shown on the town's major road plan, or if not shown on such plan, shall be:~~
 - ~~1. Collector roads, not less than 50 feet.~~
 - ~~2. Local roads, not less than 50 feet.~~
 - ~~3. Service roads and other roads, not less than 50 feet.~~
 - ~~4. Alleys, if permitted, not less than 20 feet.~~

~~When any subdivision abuts an existing public road with inadequate right of way, the town may require the developer to dedicate the necessary right of way to meet the minimum right of way requirement as indicated above to the Virginia Department of Transportation.~~
- ~~(m)~~ ~~All proposed roads shall be constructed by the developer in accordance with Virginia Department of Transportation secondary roads specifications and requirements.~~
- (n) The developer shall install at all intersections street signs of a design approved by the roads engineer at the expense of the developer.

~~16.04. Private roads. The following standards shall apply to private roads:~~

- ~~(a) Private roads may not be platted within a subdivision, except when the subdivision is designated a small scale or low density development with the total number of lots to be served not exceeding ten. The developer shall specify on all plats that the roads are private and not subject to be maintained by the Commonwealth of Virginia or the Town of Chincoteague. The developer by written statement shall further agree to release, discharge and absolve all governmental agencies from all immediate and future responsibility with regard to the improvements or maintenance of the private roads and rights of way so established, and shall record such statement with the deeds of transfer for each lot fronting on a private road. (See addendum 5 for example.)~~
- ~~(b) Private roads shall have a right of way of not less than 30 feet for their entire length and shall connect to a public road, unless the town shall waive such requirement. In making such exceptions, the town may attach such additional requirements and limitations on the subdivision as it may judge appropriate.~~

~~(e) No private road access shall be established nor the number of lots served by an existing private road right of way increased unless the roads engineer approves the access of that private right of way to the public road system.~~

~~(d) No private road right of way shall be platted until the developer has specified in writing who is responsible for its improvement and maintenance. Such statement shall appear on the face of the plat and in each deed for abutting lots.~~

The Planning Commission also recommends the following changes and/or additions to the Town's Zoning Ordinance:

In Commercial District C-1; Section 4.2.4 Conditional Use Permits Add new section;

4.2.4.1 Parking Garages and other similar structures

In Commercial District C-2; Section 4.5 4 Conditional Use Permits Add new section;

4.5.4.1 Parking Garages and other similar structures

Amend section 6.6.7 as follows:

“For marinas and other similar facilities, except as expressly provided herein, whether any main building is erected or enlarged or not, there shall be provided at least one (1) parking space for each mooring (10’x30’), plus ten (10) parking spaces for each single width boat ramp, with each space ten feet (10 ft) in width by forty-five feet (45ft) in length plus the parking spaces required by Section C, as applicable, if there are buildings. Any private non-commercial marina located on the same parcel of land, used in conjunction with the main use on such parcel and the use of which is restricted to the owners(s) or occupants(s) with or without compensation, shall require one additional parking space in excess of the number required for the main structure or use.”

MEMORANDUM

THE TOWN OF CHINCOTEAGUE

To: Mayor and Town Council

Via: Mr. Robert Ritter, Town Manager

From: Jared B. Anderson, Town Planner

Date: July 31, 2007

Subject: Conditional Use Permit Application

Staff has received copies of letters the applicant sent out to adjoining landowners, along with copies that the certified letters were received. The application is otherwise complete. Please review and if you have any questions please feel free to contact me (email: jared@chincoteague-va.gov, or 336-6519).

During the July 18, 2007 Planning Commission meeting a public hearing, after proper notice, was held for a Conditional Use Permit Application for Ms. Christine Schreiberstein of 6225 Clark Street.

In reference to previous concerns over parking Ms. Schreiberstein stated that she would be willing to pick up her clients so that there should be no issue over parking availability at the property.

Chairman Rosenberger opened the floor up for public comment.

-Ms. Mary Jester who owns the property beside and two properties across from Ms. Schreiberstein stated she has no problem with what Ms. Schreiberstein has requested.

-Dr. Glenn Wolffe, questioned the reasons why this issue needed to be considered under a conditional use process. The reason is because "Complimentary Medicine" is not identified as a permitted use in the Town Code. Dr. Wolffe feels that issues of parking and whether or not there are two different businesses on-site are not the main reasons this is before the Planning Commission; rather it is because of the use not being permitted. Dr. Wolffe supports allowing this use, he feels the face of medicine is changing and he would like to see [complementary] medicine as a permitted use in the future.

-Ms. Corrina Limebeck, sister of applicant, stated this type of medicine gave her husband the peace of mind that helped him deal with his illness.

Mr. Ward stated that he could not find anywhere in the Town Code that would disallow this use. His concerns were of the dimensions of the site. Mr. Ward also stated that in the Conditional Use section of the Zoning Ordinance it says that all the other parts of the section shall be considered. He feels that issues such as parking should be addressed when considering a conditional use application.

Ms. Schriebstein listed several known hospitals that offer these types of services. She also said the more accurate term to describe the use is “complementary medicine.”

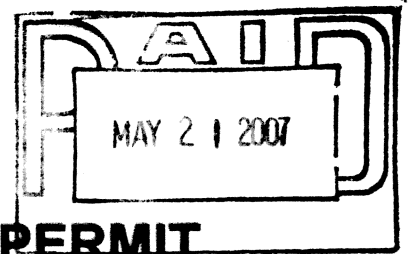
Mr. Derrickson made a motion to **recommend to Council that the conditional use application submitted by Ms. Schriebstein be approved.** The motion was seconded. Ayes-Cherrix, Derrickson, Richardson, Behr, Wolffe, and Rosenberger. Abstained- Ward.

Prior to discussion, if Council so desires a motion could read “move to send this item to public hearing at the September 20th Council meeting pursuant §15.2-2204 of the Code of Virginia.”



CHINCOTEAGUE, VIRGINIA

APPLICATION TO THE
MAYOR & TOWN COUNCIL
FOR A CONDITIONAL USE PERMIT



CASE NUMBER: _____

FEE: \$ 1500.00

I, Christine Schreibstein dba InnerBalance,

AGENT FOR Self WOULD LIKE TO FILE AN
APPLICATION FOR A CONDITIONAL USE PERMIT WITH THE MAYOR & TOWN COUNCIL
BASED UPON THE NOTED TOWN CODE:

Article IX, Town of Chincoteague Zoning Ordinance (AS AMENDED)

(☒) REQUEST FOR A CONDITIONAL USE PERMIT.

MAYOR & TOWN COUNCIL USE ONLY:

MEETING DATE: _____

APPEAL ACTION:

() APPROVED

() DENIED

() CONDITIONAL: _____

TOWN MANAGER

DATE: _____

PLEASE PRINT

THE PROPERTY IN WHICH THIS APPEAL IS SUBMITTED IS LOCATED AT (911 ADDRESS)

6225 CLARK ST.

TAX MAP # 30A5-8

THIS PROPERTY IS OWNED BY:

NAME: Scott & Christine Schreibstein

ADDRESS: 6225 Clark Street

CITY, STATE, ZIP: Chincoteague, VA 23336

PHONE: 757-336-1411 WORK PHONE: 508-479-1680

HAS ANY PREVIOUS APPLICATION FOR A VARIANCE OR AN APPEAL TO THE BOARD OF ZONING APPEALS FOR A SPECIAL USE PERMIT BEEN FILED IN CONNECTION WITH THESE PREMISES?

☒ NO

☐ YES, EXPLAIN; _____

IS THIS APPLICATION FOR A CONDITIONAL USE PERMIT FILED DUE TO A ZONING VIOLATION IDENTIFIED BY THE ZONING ADMINISTRATOR?

☒ NO

☐ YES, IF THE VIOLATION HAS NOT BEEN CORRECTED,

EXPLAIN WHY; _____

ARTICLE AND SECTION # THAT APPLIES TO YOUR CONDITIONAL USE PERMIT APPLICATION:

(1.) ARTICLE: _____

SECTION: 9.3

REQUIRES: CONDITIONAL USE PERMIT

REASON FOR YOUR APPLICATION: CONDUCT BUSINESS AT PROPERTY

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.

THIS PROPERTY IS LOCATED ON TAX MAP 30A5 - 8 - PARCELS 3 & 3A1.

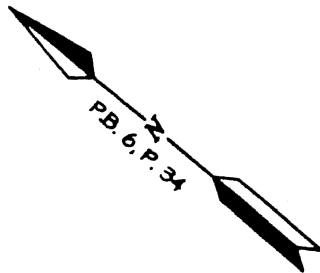
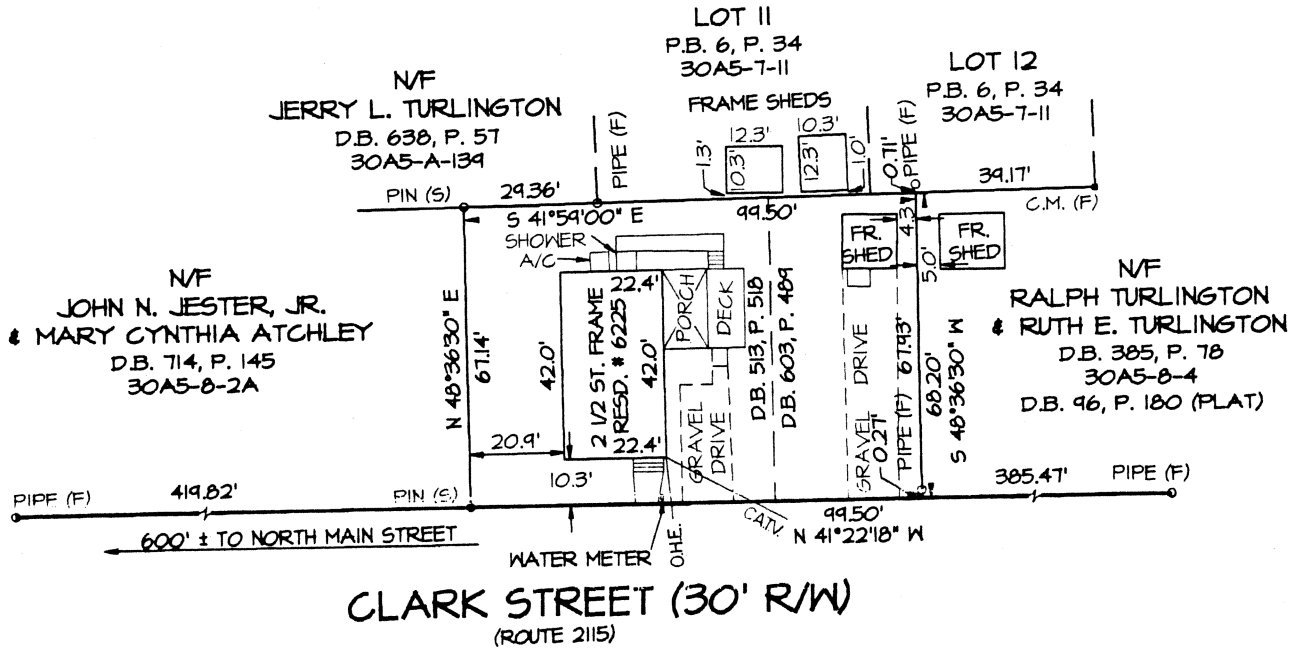
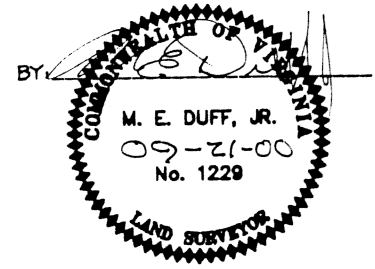
CURRENT OWNERS:
JOSEPH R. SILVIO
& NANCY SILVIO

SOURCE OF TITLE:
D.B. 603, P. 489
D.B. 513, P. 518

REFERENCE PLATS:
P.B. 6, P. 34
D.B. 46, P. 180 (PLAT)

THIS IS TO CERTIFY THAT ON THE DATE OF THIS PLAT, AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS ARE AS SHOWN ON THIS PLAT. THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY, EXCEPT AS SHOWN.

EASTERN SHORE SURVEYORS



THE PROPERTY SHOWN HEREON APPEARS TO FALL INSIDE ZONE A10 (ELE. 7) AS SHOWN ON F.E.M.A. PANEL NO. 510002 0001 C DATED: JUNE 1, 1984.

AREA: 6,720 SQ. FT. (0.154 AC.)

9572-00
COMPUTED BY: CPC
DRAWN BY: CPC

PHYSICAL SURVEY
PROPERTY OF
JOSEPH R. SILVIO
& NANCY SILVIO

CHINCOTEAGUE
THE ISLANDS DISTRICT
ACCOMACK COUNTY, VIRGINIA

MADE FOR
SCOTT H., & CHRISTINE A. SCHREIBSTEIN

SCALE: 1" = 30' 11 SEPTEMBER 2000

EASTERN SHORE SURVEYORS
P.O. BOX 156

My Journey

Throughout my life and even as a child, the power of healing and teaching others how to access their own innate power to heal has continually been something that has fascinated and driven me.

Through constant growth lessons exploration, and a dash of whimsy, I have been guided along the path of a healer to become the individual I am today, and I seek to share my knowledge with you.

As you may have discovered, life often takes unanticipated turns and leaps that propel us in the direction we are guided to follow. I cannot recall one moment of epiphany when I decided that I wanted to dedicate my life to this field of knowledge. Instead, it began as an incessant gathering and absorption of any information I could find concerning the subject.

I am a certified Reiki Master Teacher and Crystal Therapist, having studied with The Hazel Raven College of Bio-Dynamics in the UK.

As you travel along your spiritual path, I hope that you and I can learn from one another. I offer a wide variety of classes that are constantly transforming and expanding, and I strive to make them as informative and fun as possible. Always feel free to contact me with new class ideas; your idea may be an angel nudging you to nudge me.

Wishing you an abundance of laughter, health, and continue blessings,

Chris

InnerBalance offers a wide variety of classes that change on an ongoing basis. Some of the classes we currently offer:

Introduction to Crystals

How to pick the "right" Crystal
How to Clear your Crystal and much more!

Crystal One-Day Intensive

How to set up Crystal Altars
Using Crystals to co-create the life you deserve

Introduction to the Chakra System

Location of the Main Seven Chakras
Relationship to color, sound, purpose, animal, etc.

Meet Your Angel

This one-day Intensive includes a brief overview of the angelic realm and a guided meditation to meet your Guardian Angel

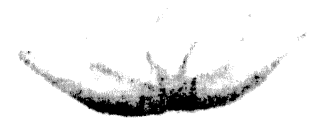
Feng Shui

Training and personal consultations to improve the flow of energy throughout your entire space.



Chris Schreiberstein, L.M.H.R.C.B.
Reiki Master Teacher
Certified Angel Light Messenger
Licensed Crystal Therapist

InnerBalance *Holistic Health Counseling and Education*



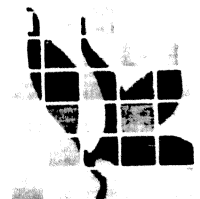
InnerBalance

Chris Schreiberstein

Phone: (508) 479-1680

Fax: (508) 590-0328

www.innerbalanceforyou.com



Crystal Therapy

Crystals have been noted in history books as having both ornamental uses and healing powers. They've been used in various forms of amulets, bracelets, and plates by religious practitioners in many societies. Many soldiers wore crystals within their armor to protect them from harm during battle.

Crystals have been mentioned even in the Bible, and have been revered as sacred since earliest times. They were used for divining the hidden meaning of events, for traveling in non-ordinary reality and for healing the sick.

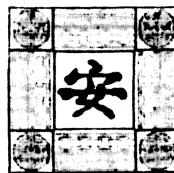
Today, we can use crystals within the boundaries of the human energy field, where they can move, absorb, focus, direct and diffuse energy within the body. Crystal therapy is non-invasive and can be used in conjunction with a number of other therapies and orthodox medicine.

Our training will show how to pick out the crystal that is right for you and your goals. We will explore where to place the crystals within your home (i.e., which ones shouldn't go on your nightstand if you want a good night's sleep), which ones can help you co-create various kinds of abundance; love, money, etc.



Feng Shui

Using the ancient form of compass directional placement, color usage and decoration, you can manifest and create the life you desire and, more importantly, deserve. Our consultation will include an assessment of your office, home, or a particular room within your home. We will provide recommendations on how to improve the livability and energy of your space including, among other things, the reduction of clutter, the selection of color, shapes, and texture for walls, the placement of artwork, other ornaments and lighting, and the optimal positioning of furniture and fixtures.



Consultations

Our private consultations require an average of one hour of advance preparation for every two hours of on-site work. Prior to our meeting, we will ask you to complete a questionnaire so that we arrive with basic understanding of your current situation, goals and aspirations. Each consultation is unique and tailored to you.

Considering the comprehensive level at which we work, it is not possible to feng shui an entire space and its inhabitants in just a couple of hours. Our sessions are designed with that in mind, to offer the best possible solution to our clients. Following a consultation, we are accessible by phone or email at no additional charge to answer any questions you may have about our recommendations.

Energy Healing Treatments

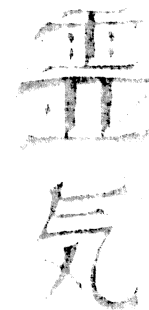
We work together as a team

Reiki is a form of spiritual practice for the treatment of physical, emotional, mental and spiritual ailments, developed by Mikao Usui in early 20th century Japan. Practitioners use a series of techniques, including gestures and movement.

The result will bring you closer and closer to *homeostasis*, the blend of perfect balance within, giving you a clearer mind, healthier body and a more joyful outlook on life.

One of my beliefs is that all imbalances originate on a spiritual level. Therefore, the imbalance must be cleared spiritually for true healing to take place. You have the power within you to heal any and all imbalances on a physical, emotional, mental or spiritual level.

Together we can discuss your treatment and how to sustain the energy therapy long after our session has ended.





May 18, 2007

Mr. Kenny Lewis
City of Chincoteague
6150 Community Drive
Chincoteague Island, VA 23336

Dear Kenny:

Enclosed is my application for a conditional use permit of my property at 6225 Clark Street. I have included the other information you requested, including a copy of the property's plot plan, my business brochure and a check in the amount of \$1,500 for the application fee. I have already forward to you copies of the certified notification letters received by abutters to the property. Therefore, I believe this completes the information required to be submitted prior to the Town's review of the application.

I have been a Chincoteague property owner and part-time resident since 2000. I operate InnerBalance, a holistic health counseling and education service, mostly in Southern Massachusetts. I now seek to bring my professional knowledge and skills to residents and visitors to the Eastern Shore.

InnerBalance's core business is to bring information about energetic healing or life enhancing practices to those interested in applying them as complementary courses of treatment for themselves or their loved ones. The disciplines covered include:

Reiki—a form of spiritual practice for the treatment of physical, emotional, mental and spiritual ailments, developed by Mikao Usui in early 20th century Japan. Practitioners use a series of techniques, including gestures and movement. A 2002 study (*Alternative Therapies* (January/February 2005 issue) indicated that there were over one million U.S. adults who had experienced Reiki treatments.

Crystal Therapy—Crystals have been used down through history for healing, personal reflection and meditation. Working well with the human energy field, they can move, absorb, focus, direct and diffuse energy within the body. Crystal therapy is non-invasive and can be used in conjunction with a number of other therapies and orthodox medicine.

Feng Shui—Originating during the Han Dynasty, Feng Shui, a Chinese philosophy about the relationship between humans and their environment has been practiced the Far East for thousands of years. Based on the laws of nature, Feng Shui offer us a way of understanding why certain things occur and how to create an harmonious environment.

The discipline incorporates the arrangement of physical aspects of one's space, including the choice of color and fabrics, the placement of furniture and artwork, the location of plants and garden sculpture, and the use of such accents as water fountains and lighting.

Angel Therapy – Angel Therapy is a non-denominational spiritual healing method that involves working with a person's guardian angels and archangels, to heal and harmonize every aspect of life. Through the use of guided meditation, personal reflection and instruction, Angel Therapy also enables one to more clearly receive Divine Guidance from God and angels.

InnerBalance customers seek assistance in each of these disciplines in one or all of the following ways:

Seminars and Training – Conducted in small groups, usually of three to six participants, these sessions run anywhere from a couple of hours to multiple days, though never exceeding eight hours on any one day. Their purpose is to provide information about the various disciplines and, as appropriate, to train interested students in utilizing the disciplines on their own. Classes incorporate traditional lecturing techniques, question and answer, and demonstration of key principles, and will be offered at the Clark Street property. If demand exceeds the building's capacity, then we will use function rooms at local hotels or other on-island facilities.

Personalized Treatment or Services – In addition to offering education and training about each of the disciplines, we also will offer treatment or consultation out of the Clark Street building. In this case, we see clients privately to administer holistic counseling, energy treatments, as well as recommend changes to their diets and/or lifestyles. Energy treatments involve the use of Reiki and/or Crystal Therapies while the client is sitting in chair or lying on a table, fully clothed at all times.

Reiki treatment includes the use of gestures, music, and meditation to guide the practitioner as she assists the client in the healing of their body. It involves no actual touching or laying on of hands, and may impact physical ailments ranging from simple headaches to cancer, and anything in between. The practitioner never claims to be able to cure anyone, but is there to assist the client in seeking healing on his or her own terms.

Crystal therapy incorporates the use of specific minerals or elements, which are placed on or near the client but, otherwise requires no physical contact between the client and practitioner.

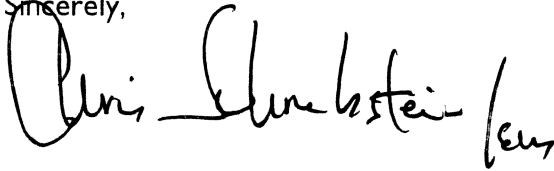
Angel therapy involves the practitioner and client sitting across a table from each other, working through meditations and using printed materials to guide the session.

Feng Shui is a consultative service and, while we may meet with clients for initial consultations at the Clark Street building, this practice usually requires the practitioner to visit the client's home and provide consultation there.

As I believe we have previously discussed, there appear to be no improvements necessary to the exiting property for its use as outlined above. I trust this summary will furnish you, the Mayor and the Town Council with the information necessary to review and approve my application. I will be on island from late June through mid-August. If not too great an imposition, may I ask to have the council schedule any hearings during that time period?

In the meantime, should you have any immediate questions, please do not hesitate to contact me via phone at 508-479-1680, e-mail: chris@innerbalanceforyou.com or my year-round address at 80 Jennifer Drive, Wrentham, MA 02093. I appreciate your consideration and attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Steinberg". The signature is fluid and cursive, with a large initial "C" and a long, sweeping underline.

Enclosures

MEMORANDUM

THE TOWN OF CHINCOTEAGUE

To: Mayor and Town Council
Via: Mr. Robert Ritter, Town Manager
From: Jared B. Anderson, Town Planner
Date: July 31, 2007
Subject: Redman/ Johnston Associates Update

Please review and if you have any questions please feel free to contact me (email: jared@chincoteague-va.gov, or 336-6519).

One of the main ideas to come out of the June 28, 2007 Joint Council/ Planning Commission meeting with our consultant Pete Johnston was the idea of having stakeholder group meetings. As defined by one source these meeting could include “neighborhood associations, environmental organizations, chamber of commerce, home builders, bankers, interested citizens, and other known interest groups.”

If it is the desire of the Council the consultant in conjunction with staff would like to conduct a series of small stakeholder group meetings.

After talking with the consultant the idea for these meetings was to have 3 or 4 meetings all in one day in the small conference room or council chambers. At least one of the meetings would be an evening meeting to allow for those that work. Ideally there would be no more than 10 stakeholders at each meeting.

The reason for conducting these stakeholder group meetings is to make sure people understand what was presented on June 28, entertain any questions and concerns the stakeholders might have with the most recent draft, and finally to try to gain some consensus for moving forward in the Comprehensive Plan update process.

If so desired the stakeholder group meetings could be held on Wednesday August 29th, exact times could be set later. Ideally Council could assist staff and the consultants with identifying possible stakeholders by August 15th.

Prior to discussion, if Council so desires a motion could read “move to schedule 3 or 4 stakeholder group meetings to be held Wednesday August 29th at the Community Center.”

MEMORANDUM

THE TOWN OF CHINCOTEAGUE

TO: Mayor & Council

FROM: Robert G. Ritter Jr., Town Manager

DATE: August 1, 2007

SUBJECT: Proposed Lot line Vacation.

Mr. Edward L Weilbacher is requesting the Town Council review a proposed lot line to be vacated on his property. Mr. Weilbacher will be required to properly advertise in a generally circulated news paper, a public hearing in two consecutive weeks of the proposed lot line vacation. To give Mr. Weilbacher adequate time for advertisement and if Council agrees to set the public hearing, the first meeting of the month, Tuesday, September 4, 2007, could be the date to set the hearing. A possible motion could read:

“ Move to set a public hearing date for Tuesday, September 4, 2007, for the possible vacation of a lot line for a Mr. Edward L. Weilbacher.”

(See Attached)

BLOXOM AND WEILBACHER, LLC

ATTORNEYS AT LAW
147 MARKET STREET
POST OFFICE BOX 295
POCOMOKE CITY, MARYLAND 21851

JOHN E. BLOXOM
EDWARD L. WEILBACHER
MD & VA

Telephone
410-957-0132
410-632-2432
FAX
410-632-2432
e-mail:
pocomokelaw@aol.com

July 10, 2007

Rob Ritter, Town Manager
6150 Community Drive
Chincoteague, VA 23336

RE: Lot line vacation

Dear Mr. Ritter:

This is to request a public hearing before the Town Council to vacate a lot line as shown and explained in the enclosed proposed ordinance and plats.

If approved by the Council, a consolidated plat for recording will be ordered.

Please advise me of the cost and the dates available for a public hearing.

Very truly yours,


Edward L. Weilbacher

Encl:

031 B1A 00 000 93 E 0 Pl 06 534.00 424r
 031 B1A 00 000 99 00 ~~same~~ Pl 06 180.00 424r
 030A 70 3 0000 41 00 Pl 06 70.20 424r.
 Church of the

Jed L. Dulles, John Toffey III

93E Suzanne S.
 5554 Main St.
 P.O. Box 55



7651559

93E Richardson Lot
 .5744 Ac.

10928

Lot 19

031 B1D1 00 001 900

99 Interim Lot .561
 N. main St. 1.936 ac.

land to Lot 19 for the construction of a detached garage to serve the residence located on Lot 19.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF CHINCOTEAGUE:

1. That the property line between Lot 19, Newport South Development of the "Sub-Division of Rosslyn Investments, Inc., Venture 2, North Main Street, Chincoteague, Accomack County, Virginia," dated September 16, 1967, made by George H. Badger, Jr., C.L.S., said plat being recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia in Plat Book 14, at page 68 and Parcel II of "Survey of Property at the Request of Michael McGee, Chincoteague, Accomack Co., Va." dated March 21, 1985, made by R. L. Beebe, C.E., said plat being recorded as aforesaid in Deed Book 488 at page 422, be vacated and such property line be relocated as follows: Beginning from a point at the southeast corner of Parcel II and the northeast corner of Lot 19, thence North 73 degrees 50 minutes 16 seconds West, 115.17 feet; thence South 69 degrees 14 minutes 00 seconds West 60.00 feet; thence South 29 degrees 20 minutes 57 seconds East 70.00 feet to a pipe on the northwest line of the said Lot 19, 62.25 feet from the northwest corner of Lot 19.

2. That a certified copy of this Ordinance be recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia.

The effective date of this Ordinance shall be upon adoption by the Council of the Town of Chincoteague.

Approved and adopted this ____ day of _____, 2007.

Witness the following signatures and seals:

NOTES:

Source of Title: As shown

For plats of previous or adjacent surveys:

- 1) Plat of Sub-Division of Rosslyn Investment, Inc. "Venture No. 2", North Main Street, Chincoteague Island, Accomack County, Virginia by George H. Badger, Jr. dated September 18, 1967.
- 2) Plat of Division of Property of Beverly D. Gorsuch, Chincoteague, Island District, Accomack County, Virginia by Eastern Shore Surveyors dated Aug. 6, 2002..
- 3) Plat of Survey of Property at the Request of Michael McGee, Chincoteague, Accomack County, Virginia by R.L. Beebe dated March 21, 1985.

County Tax Map: Sec. 031B1A0000093E0 (Portion of)

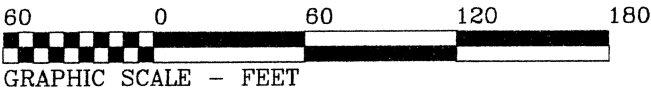
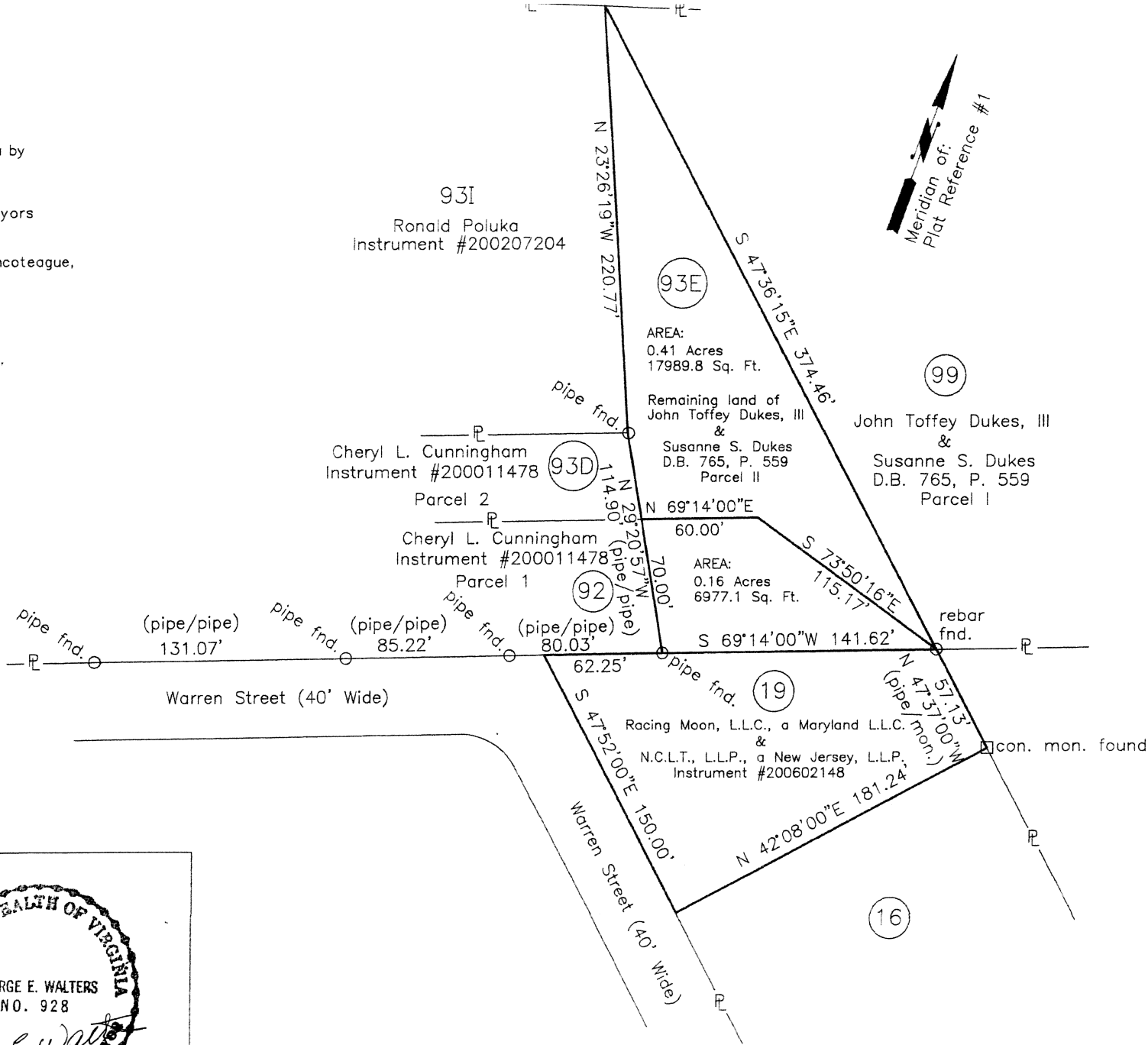
Flood Zone: FIRM 510001 0035C dated April 2, 1992; Zone A10, elev. 8

911 No.: N.A.

This plat is based on a current field survey.

No Title Report furnished.

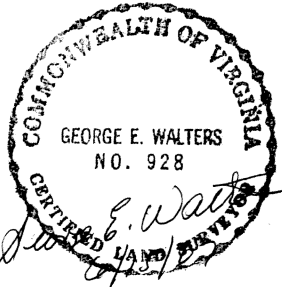
Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: easements; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land use regulations, and any other facts that an accurate and current title search may disclose.



PLAT OF SURVEY

Parcel of Land Surveyed at the request of David Landsberger. Located on Chincoteague, The Islands District, Accomack County, Virginia.

SHORE ENGINEERING CO., INC.	DATE: April 10, 2007
ENGINEERS - SURVEYORS	SCALE: 1" = 60'
P.O. BOX 354, MELFA, VA. 23410	JOB# 58-0307-S
757-787-2773	



Tax parcel: 031B10100001900
031B1A0000093E0 P

THIS DEED OF VACATION is made this ____ day of July, 2007, by and between RACING MOON, LLC, a Maryland Limited Liability Company, N.C.L.T., LLP, New Jersey Limited Liability Partnership, JOHN TOFFEY DUKES, III and SUZANNE S. DUKES, husband and wife, parties of the first part, to be referred to as "Grantors" and "Grantees" for indexing purposes, and the TOWN OF CHINCOTEAGUE, Party of the second part, pursuant to section 15.2-2272 of the Code of Virginia of 1950, as amended; and

The Grantors hereby agree and request the vacation of a certain part of Lot 19 on a plat of survey situated in the Town of Chincoteague entitled "Sub-Division of Rosslyn Investments, Inc., Venture 2, North Main Street, Chincoteague, Accomack County, Virginia" dated September 16, 1967, made by George H. Badger, Jr., C.L.S., which shows Lot 19, Newport South Development, said plat being recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia in Plat Book 14, at page 68 and a part of Parcel II of a plat of survey situated as aforesaid entitled "Survey of Property at the Request of Michael McGee, Chincoteague, Accomack Co., Va." dated March 21, 1985, made by R. L. Beebe, C.E., which plat shows Parcel II, 0.5744 Ac., and is recorded in Deed Book 488 at page 422 with a deed dated March 27, 1985 from Gladys V. Richardson, reference to the said plats being made for a more particular description of the property conveyed and the location of the lot line of the aforesaid Lot 19 to be vacated and relocated into the aforesaid Parcel II as shown on the Plat of Survey entitled "Parcel of Land Surveyed at the request of David Landsberger, Located on Chincoteague, The Island District, Accomack County, Virginia" dated April 10, 2007, made by Shore Engineering Co., Inc. and to be recorded with this deed.

Whereas, the basis of said vacation is at the request of owners of said lots or parcels for the purpose of the addition of

land to Lot 19 for the construction of a detached garage to serve the residence located on Lot 19.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF CHINCOTEAGUE:

1. That the property line between Lot 19, Newport South Development of the "Sub-Division of Rosslyn Investments, Inc., Venture 2, North Main Street, Chincoteague, Accomack County, Virginia," dated September 16, 1967, made by George H. Badger, Jr., C.L.S., said plat being recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia in Plat Book 14, at page 68 and Parcel II of "Survey of Property at the Request of Michael McGee, Chincoteague, Accomack Co., Va." dated March 21, 1985, made by R. L. Beebe, C.E., said plat being recorded as aforesaid in Deed Book 488 at page 422, be vacated and such property line be relocated as follows: Beginning from a point at the southeast corner of Parcel II and the northeast corner of Lot 19, thence North 73 degrees 50 minutes 16 seconds West, 115.17 feet; thence South 69 degrees 14 minutes 00 seconds West 60.00 feet; thence South 29 degrees 20 minutes 57 seconds East 70.00 feet to a pipe on the northwest line of the said Lot 19, 62.25 feet from the northwest corner of Lot 19.

2. That a certified copy of this Ordinance be recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia.

The effective date of this Ordinance shall be upon adoption by the Council of the Town of Chincoteague.

Approved and adopted this _____ day of _____, 2007.

Witness the following signatures and seals:

RACING MOON, LLC

_____(SEAL)
DAVID LANDSBERGER, MANAGING MEMBER

N.C.L.T., LLP

_____(SEAL)
DAVID LANDSBERGER, Partner

STATE OF MARYLAND
COUNTY OF _____, to wit:

I HEREBY CERTIFY, that on this ____ day of July 2007, before me, the subscriber, a Notary Public in and for the jurisdiction aforesaid, personally appeared David Landsberger, and being authorized so to do, executed the aforesaid Deed of Vacation for the purposes therein contained on behalf of Racing Moon, LLC and N.C.L.T., LLP, and acknowledged the same to be his act and deed.

As witness my hand and notarial seal.

My commission expires: _____
Notary Public

_____(SEAL)
JOHN TOFFEY DUKES, III

_____(SEAL)
SUZANNE S. DUKEWS

STATE OF VIRGINIA
COUNTY OF ACCOMACK, to wit:

The foregoing Deed of Vacation was acknowledged before me this ____ day of July, 2007, by John Toffey Dukes, III and Suzanne S. Dukes.

My Commission expires: _____
Notary Public

Agreed:

TOWN OF CHINCOTEAGUE

By: _____ (SEAL)
ROBERT RITTER, Town Manager

STATE OF VIRGINIA,
COUNTY OF ACCOMACK,

to wit:

The foregoing Deed of Vacation was executed and acknowledged before me this _____ day of July, 2007, by Robert Ritter, Town Manager, as authorized by the Town Council on behalf of the Town of Chincoteague, Virginia.

Notary Public

My Commission expires:

Contract of Sale

This Agreement of Sale, made this 31 day of May, 2007 between John & Susanne Dukes, Seller, whose address is P.O. Box 55, Chincoteague, Virginia, 23336, and Racing Moon LLC, Buyer, whose address is 52 Washburn Place, Caldwell, NJ, 07006

Witness that the said Seller does hereby bargain and sell unto the said Buyer, and the latter does hereby purchase from the former the following described property, situate and lying in Atlantic Magisterial District, Accomack County, Virginia, being such portion of Tax Map parcel 93E, D.B. 765, P. 559 Parcel II, as represented in the attached survey and representing approximately .15 acres adjoining the Tax Parcel 19 owned by Racing Moon LLC.

at and for the price of twenty thousand Dollars (\$20,000.00)
of which one thousand Dollars (\$1,000.00)
have been paid prior to the signing hereof, and the balance to be paid as follows:

Balance to be paid at settlement. Down payment to be applied to purchase price. All water fees, sewer fees, club fees, Real Estate Taxes, shall be paid up to settlement date by the Sellers.

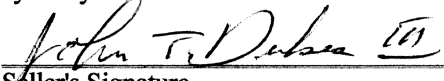


Settlement to be made on or before August 30, 2007.

And upon payment as above provided of the unpaid purchase money, a deed for the property containing covenants of special warranty and further assurance shall be executed at Buyer's expense by the Seller, which shall convey the property to the Buyer. Title to be good and merchantable, free of liens and encumbrances except as specified herein and except: Use and occupancy restrictions of public record, which are generally applicable to properties in the immediate neighborhood or the subdivision in which the property is located, and publicly recorded easements for public utilities and any other easements which may be observed by an inspection of the property. The herein-described property is to be held at the risk of the Seller until legal title has passed or possession given. Rent, taxes, water rent, and all other public charges on an annual basis against the premises shall be apportioned as of the date of settlement at which time possession shall be given unless otherwise herein agreed. The parties hereto bind themselves, their heirs, executors, personal representatives, administrators and assigns, for the faithful performance of this agreement. Seller shall immediately have all of the insurance policies on the property so endorsed as to protect all parties hereto, as their interests may appear, and continue said insurance in force during the life of this contract.

Buyer agrees that the property shall not be used for construction of a primary residence and shall convey with Buyer's adjoining property, also known as 5475 Warren Street, Chincoteague. The property shall not be sold by Buyer separately from 5475 Warren Street at any time. Property shall be used only for construction of outbuildings such as a garage or a storage structure as permitted by code.

This contract contains the final and entire agreement between the parties hereto, and neither they nor their agents shall be bound by any terms, conditions or representations not herein written; time being of the essence of this agreement. Cost of all documentary stamps and transfer taxes required by law, title papers and other transfer costs shall be paid by the Buyer.

Witness the hands and seals of the parties hereto the day and year first above written.

Witness as to Seller's Signature	 Seller's Signature
Witness as to Seller's Signature	 Seller's Signature
Witness as to Buyer's Signature	 Buyer's Signature
Witness as to Buyer's Signature	 Buyer's Signature